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SOME ASPECTS OF THE RECENT FOREIGN POLICY OF SWEDEN

BY

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"A small State can culturally be a great power, from which ideas go out over the world and whose judgment is respected among the large States."—HERR WOHLIN, in the Lower Chamber of the Swedish Riksdag, March 3, 1920.

PREFACE

For many years Sweden was the leader of the northernmost nations of Europe. Someone has said that the history of that country is in a large measure the history of her kings. Certainly the recorded chronicles of the activities of some of the members of that category include the exploits of some of the most illustrious figures in European and world-history. Under the House of Vasa, Sweden was freed from Denmark and strove for a *Dominium Maris Baltici*. In so doing she strayed too far from her native peninsula and for a hundred years the political history of Scandinavia was the story of the frustration of a great Baltic empire.

Not only during the seventeenth century but more recently has Sweden assumed the initiative and a place of leadership among the countries of northern Europe. In the morass of events and descriptions thereof which have followed the conclusion of the world war perhaps too little emphasis has been placed upon the part played by some of the smaller powers in the shaping of international relations. Particularly true is this with respect to those states which remained neutral during the war, and among these, most of all the Scandinavian countries.

To be sure, Stockholm is somewhat removed from the maelström of European politics and the people of Scandinavia are inclined to accord more attention to internal developments than to external complications. This has not, however, prevented them from actively participating in the efforts to promote international cooperation and to achieve international peace and security, which have to no little extent characterized the post-bellum period.

Of the countries of northern Europe Sweden has been in the best position to make her efforts carry much weight in the scale where at times the fates of nations are decided. Her area and population have assisted in this and it was but a little more than two decades ago that Norway became a separate state. The union before 1905 was of course purely personal in nature but in it Sweden was predominant. Denmark has also been somewhat subordinated, especially since the loss of Schlesvig in 1864. The superiority of Swedish armaments and her close contact with the continent have served to augment her status as Queen of the North. Hence it is not surprising to find

that during the world war Sweden was the leader in maintaining a program of neutrality and after the conflict was perhaps the most active in supporting the new order of things and endeavoring to bring that order into realization.

It has been my purpose in this discussion to portray the part played by Sweden in international relations during the decade following the war by looking at some of the trends of her foreign policy during that period. In sketching this, the major emphasis has been placed upon the relationship of that country to the League of Nations and the work of her statesmen toward a more stable organization of peace.

In writing this essay I am indebted chiefly to the publications of His Majesty's Office of Foreign Affairs at Stockholm, the communications of His Excellency the recent Minister of Foreign Affairs, J. Eliel Löfgren, the Protocol of the First and Second Chambers of the Riksdag, which were made available for my use at the Hoover War Library at Stanford University, the collection of treaties and documents kindly put at my disposal by His Majesty's Consul-General at San Francisco, Herr C. E. Wallerstedt, the official publications of the League of Nations, and the data supplied by the League of Nations organization in Sweden through its secretary, Alida Jakobson.

Usage has made a completely consistent spelling of names and terms difficult. Accepted American spellings are at times retained, but where the Swedish is easily intelligible I have tried to adhere to it. For instance "Aland" seems to me to be simpler and more descriptive of the islands between Finland and Sweden than the Americanized "Aaland."

Finally I wish to express my appreciation to my father and mother under whose early care I obtained a knowledge of the Swedish language, to Dr. David P. Barrows who first suggested the possibilities in this field to me, to Dr. Frank M. Russell under whose supervision this essay was written as a thesis for the M.A. degree, to Dr. Frank E. Hinckley, whose criticisms and suggestions were of great assistance, and to Mr. Verne B. Brown and Mr. Farnham Bishop, who have aided by reading the manuscript.

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CHAPTER I

INTRODUCTION

SWEDEN DURING THE WORLD WAR. THE POLICY OF NEUTRALITY

On August 16, 1914, while the cannon were thundering on the battlefields of Europe, an immense multitude of peace-loving people in the north stood with their heads uncovered on the broad hewn road through the forest which marks the southern boundary between Sweden and Norway and watched the unveiling of a monument erected as a memorial of a centenary of peace among the Scandinavian countries. The flags of Sweden, Norway, and Denmark floated side by side above the great gathering around the symbol of peace while elsewhere other standards were leading armies into battle.[1]

For one hundred years Sweden had remembered the disastrous experiences of Gustavus IV[2] and maintained a policy of non-interference in the affairs of the Continent. The "Battle of Nations" at Leipsic in 1813 marked the last participation of that country in European wars and the Treaty of Kiel[3] the following year terminated the position of Sweden as an extra-peninsular nation and a power in the Baltic. Until 1914 Swedish guns had not been shouldered except in the system of military training; and the navy confined its

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[1] Johan Castberg, "The Scandinavian Countries and the War," *Contemporary Review*, February, 1915, 203.

[2] The war against Russia and Denmark in which Sweden lost Finland and the Aland Islands to the former.

[3] January, 1814. Sweden received Norway from Denmark for Swedish Pomerania and a money payment, the cession of Pomerania bringing to an end the former extensive Swedish holdings on the Continent.

maneuvers to the coast line and the Göta Canal. To be sure, Charles XV had the sympathies of his two peoples[4] when in 1864 he demanded armed intervention against Prussia and Austria to defend Denmark, but a recalcitrant Riksdag prevented the taking of a step which would not only have abandoned the policy of neutrality but which might very well have brought serious consequences to the continued independence of Scandinavia. Again in 1905 the peace of the north was threatened when conditions became such that Norway was no longer satisfied with being the subordinate member of the personal union under the sovereignty of the Swedish monarch. Although the situation was tense and some hard feeling resulted, the dissolution was effected without recourse to arms. As a result, in the same month as the outbreak of the world war, Sweden was able to join with her neighbors in the celebration of the anniversary of a century of unbroken peace. That event was in itself perhaps not of prime importance but it is characteristic of the attitude of the Scandinavian powers throughout the conflict and in the difficult years that have followed. At all times, even in the most trying and critical moments, they have stood aloof, working for the maintenance of peace and the triumph of justice; knowing that the very condition of their continued existence is the realization of these ideals.

It is important to note, however, that the rather negative view taken by Sweden regarding international affairs was not altogether unopposed. More than one attempt was made to draw the country out of the enjoyment of idyllic quietude into the whirlpool of European politics. A small but trumpet-tongued minority who looked back with honorable pride upon the days when Sweden occupied her place in the sun, yearned for their return. The imperialism of Charles XII[5] was not by any means wholly extinguished. As one writer puts it: "Sweden lives mainly upon the glories of her past; her dead yet speak, often in an embarrassing way, to remind her that she has lost the position she once occupied." This sentiment has led many of her sons to hero-worship, something that does not suffice as the mainstay of nations, especially of small nations, but

[4] Norway and Sweden were of course at that time still under the same sovereign.

[5] 1682–1718. Ruler of Sweden at the time of the great Northern War in which Sweden was at first successful against Poland and Russia but after the defeat of Charles at Poltava lost her dominating position in the Baltic.

tends rather to substitute audacity for prudence, dreams for practical politics. The Swedish temperament has been well summed up by Björnson:

> Du hjärte folk, du fantasiens
> Du längsels, du poesiens.[6]

Such a soil was only too ready for the tares of a spurious nationalist movement, a sort of stillborn jingoism proclaimed in a ruined Pantheon. Evidence of this was first shown in the reorganization of the army on a basis of universal military service, although measures to that end were inadequate until the secession of Norway and the proportional weakening of the available forces. Agitation in this regard was continued by the Conservatives who, after their defeat in the elections of 1911 by a coalition of Liberals and Socialists, raised a cry of alarm. Pamphlets and books flowed from the press appealing to the patriotism and self-abnegation of the people, who willingly subscribed a million sterling for a new cruiser and in February, 1914, marched over, thirty thousand strong, to the King to assure him of their willingness to bear any added burden of taxation required for the national defense.[7]

Special trains came from every corner of Sweden and on February 6, the yeomen carrying the banners of their respective provinces thronged the royal court in such numbers that the Crown Prince had to repeat the speech of His Majesty to those on the outside. After hearing the assurances of the King, the peasants carried their appeal to the Premier, Staaf, who with his colleagues received them at his headquarters.[8] This demonstration, however, was followed two days later by an organized and even more numerous Socialist mass meeting. Through their chief, Hjalmar Branting, the Socialists refuted the demands of the peasants and desired the government to work for peace and the reduction of military obligations. They also defended the rights of the Riksdag and opposed the personal power of the

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[6] "Thou people of heat and fancy, longings and poetry."

[7] E. J. Dillon, "Sweden and the Belligerants," *Contemporary Review*, June, 1916, 701–717.

[8] This scene is fully described in *Révue Politique et Parlèmentaire*, LXXX (1914). See the section on *La Vie Politique et Parlèmentaire à l'Étranger*. It is interesting to note here that the speech of the King differed markedly from that of the Premier. It was evidently prepared by himself thus showing the difference in the position of the monarch in Sweden and the ruler in most parliamentary types of government. On this see the article "The King's Business in Sweden," *Living Age*, September, 1928, 51–52.

King. The following day, February 9, the university students of Uppsala, Lund, Göteborg, and Stockholm also gathered at the palace in Stockholm to voice their sentiments on the question of defense.

I have cited the above instances merely to show something of the feeling that existed in Sweden prior to the world war. That feeling was later expressed in the movement which became known as "Activism" and was the result of the super-patriotism of the school following the historian, Harald von Hjärne.[9] Von Hjärne, whose ideals much resemble those of Treitschke, and some of his contemporaries such as the traveler and explorer, Sven Hedin, and Fahlbeck, wielded a puissant influence on the intellects of the rising generation and prepared the way for a partial revival of imperialistic cravings which would fain see Sweden work out its destinies by "blood and iron" under the aegis of Germany. Their writings diffused a pleasing luster over far-resonant deeds of heroes warped by a nationalist bias.

In them was revived the almost latent fear of Russia. The phantom of Russian aggression was conjured up in all its hideousness and played a big part in the new movement for defense and national aspirations. The French writer, Lucien Maury, speaks well when he says:

> For centuries, like a sailor on the shores of an ocean, the Swede has stood on the borders of Russia, dreading the immensity, the surprises, the storms, but unable to turn his gaze away or suppress his dreams; his love of adventure, his greed of gain, everything attracts him toward the rich plains and the big markets of Muscovy.[10]

The Swede was reminded that Russia was not merely his natural prey but his hereditary enemy and was led to forget that it was rather the German who has been his most tenacious rival and most successful adversary.

Such then was the feeling in Sweden prior to the outbreak of the war. First, there was a traditional policy of neutrality going far back to 1780 when Sweden joined the League of Armed Neutrality for the purpose of defining and defending neutral rights to freedom of commerce and navigation and the keeping of all warfare out of the Baltic. These principles were embodied in the Declaration of

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[9] The influence of Von Hjärne, and the respect felt for him, is shown by the volume *Historiska Studier*, 811 pp., prepared by a number of his former students and dedicated to him on his sixtieth birthday, May 2, 1908.

[10] *Les Problèmes Scandinaves: Le Nationalisme Suédois et la Guerre.* There is also a review of this work in *Saturday Review*, January 18, 1919.

Paris in 1856.[11] Opposed to the policy of non-activity stood the group favoring Germany, which during the early part of this century worked for adequate military preparedness and upon the outset of the war were markedly in sympathy with active participation on the side of the Central Powers.[12]

Before 1914 the Baltic Sea had been dominated by two great powers, Germany and Russia. The entire continental coast had been under their sovereignty and the Scandinavian states on the opposite side had safeguarded their independence only through a policy of unambitious abstention from international complications. Sweden had never been called upon to choose between the western powers and Germany, and was on equally good terms with both. The royal house was French, being descended from General Bernadotte.[13] Since 1871, however, the trend of Swedish policy was perhaps more in line with that of Germany. At that date Oscar II came to the throne and, although at first a Francophil, he later conceived an ardent love of German literature and through the writings of Lessing, Herder, and Goethe he was gradually converted to Kultur. This was also partly due to his consort, Sophie of Nassau, and the personal ascendancy of the first German Kaiser. The intelligentsia, the higher clergy, and the army officers who received their higher military education in Germany were similarly inclined. This is not to be wondered at inasmuch as every educated Swede is almost as familiar with the German language and the institutions of that country as he is with his own.

But the Swede, while a great admirer of German efficiency in general, differs from the people of that country in his love of individualism and distrust of the abstract and vague. Hence it is not surprising to note that there were pronounced anti-German sentiments, particularly among the Liberal and Socialist elements. The democratization of Sweden had also cut deeply into the impress of German influence and many of the chief figures in politics, especially Hjalmar Branting, who became Minister of Finance in 1917 and Prime Minister in 1920, were in the good books of the statesmen of France and Great Britain. The chiefs and their political followers were on the whole profoundly convinced that they could not render

[11] C. H. Levermore, "A Conference of Neutral States," *World Peace Foundation*, V, No. 3, Pt. 1 (1915).

[12] *Infra*, 250.

[13] The ill-fated Gustavus IV (1792–1809) abdicated in favor of Charles XIII (1809–1818) who was infirm and childless and who was prevailed upon to designate as his successor one of the generals of Napoleon.

their country a better service than by keeping it out of the war, and were firmly resolved to do so.

When in August, 1914, ultimatums and declarations of war abounded, the northern states, as we have seen, celebrated the maintenance of peace. On the eighth of that month the Swedish Riksdag and the Norwegian Storting simultaneously adopted a resolution as follows:[14]

> Inasmuch as war has broken out among several foreign powers, the Swedish and Norwegian Governments have mutually declared their determination, in the state of war that has thus arisen, each to maintain to the utmost of their ability, their neutrality in relation to all the belligerant powers. At the same time the two Governments have exchanged binding assurances, with a view to precluding the possibility that the condition of war in Europe might lead to hostile measures being taken by either country against the other.

The war which was now a reality had in years past from time to time lifted its head in the Scandinavian press as a hideous possibility. Sweden feared aggression from the east and Norway was obsessed by haunting fears of a naval battle in her waters and the danger to the neutrality of her harbors. Divergent sympathies of the two countries actuated the fear that they might be forced to take opposite sides in a general conflict. The present war brought home to the two peoples the sense that, whatever their other affiliations might be, their nearest duty and most vital tie was to each other. Sweden was the protector of Norway against the east, while the long seacoast of the latter must be Sweden's source of supply in case of attack. In both countries partial mobilization and appropriations for increased military expenses took place but these were for the guarding of neutrality. The above declaration of neutrality was followed, on November 13, by similar notes from the three Scandinavian kingdoms to all the belligerent powers protesting against the infringement of the rights of neutrals, such as the laying of mines, contraband, visitation and seizure, etc.

In spite of this, criticism was rampant in the Allied press concerning the attitude of Sweden as to her duty as a neutral. In answer to this T. Nordenfelt in a letter to the *Times* states,

> The Swedish Parliament has repeatedly declared in unmistakable terms the Swedish adherence to strict neutrality. Clear statements of Wallenberg, Minister for Foreign Affairs, Admiral Lindman for the Right, Mr. Staaf and Professor Edén for the Liberals, and Mr. Branting for the Social Democrats prove that the entire representation of the country was to this effect.[15]

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[14] H. A. Larson, "The Neutrality Alliance of Sweden and Norway," *American-Scandinavian Review*, November, 1914, 8–14.

[15] London *Times*, October 12, 1914.

Perhaps the most striking and important expression of this Swedish feeling is found in the reports of the meeting of the three kings at Malmö, December 18, 1914. Upon the invitation of His Majesty the King of Sweden, Christian X of Denmark and Haakon VII of Norway met with him at Malmö, a town in Skåne, directly opposite the Danish capital and on the route between Norway and the Continent. The meeting was inaugurated with a speech by King Gustaf in which, after laying stress on the unanimous purpose of the three northern kingdoms to maintain their neutrality, he expressed the desirability of continued cooperation for the protection of common interests. Centuries had elapsed since such a meeting last took place. Its significance lay first in the solemn confirmation of the warm friendship which unites the Scandinavian powers. The Swedish king everywhere in the three countries won appreciation for taking the initiative in the meeting which officially established the fact that there was no longer any ill feeling on account of 1905. Sweden forgot the bitterness through which the political partnership of over ninety years' standing was broken up. Denmark forgot how she had been abandoned by her Scandinavian sisters in 1864, allowing her to be crushed and despoiled by the German and Austrian invaders. The defense of neutrality became the chief preoccupation as it was their only guaranty against being drawn into the vortex. The three kings were not alone at Malmö. They were accompanied by their foreign ministers and the meeting thereby gained a greater importance.[16]

The conference was interesting less for its declaration of the unity of the Scandinavian countries in the presence of special economic and political questions raised by the war than for the announcement that the representatives of the three states were to continue to meet to discuss cooperation whenever the circumstances so demanded. The attitude of the north was affirmed stronger than ever and it was especially comforting to Denmark, ever conscious of her proximity to Germany, to feel that she was associated with the other two states that had already proclaimed identical neutrality. There was no animus against any foreign power or group of powers but the picture of solidarity presented by the combined action was considered likely

[16] See the *London Times*, December 21, 1914, and August 22, 1917; Castberg, *loc cit.*; *American-Scandinavian Review*, 1915, 70–77, 112; E. Marks von Würtemberg, *L'Oeuvre commune des États Scandinaves relatif à la S.D.N.*, for reports on the Malmö Conference.

to be more respected by the belligerents than might otherwise have been the case. It began the joint action of the Scandinavian powers which continued through and after the war and was expressed in succeeding conferences in the different capitals. A later meeting at Christiania marked the first visit of the King of Sweden to Norway since the dissolution of the union, and at the Stockholm gathering, in May, 1917, the agreement was not only renewed but extended in scope. There it was unanimously declared that, while declining to take any initiative, either alone or in conjunction with other neutral governments, toward mediating between the belligerent camps, they were prepared to negotiate and collaborate with other neutral states for the protection of common interests after the war and to secure their participation in the work of reconstituting the principles of international law which the war had invalidated.[17]

The feeling of northern solidarity and strict neutrality was not, however, unanimous. I have already touched upon the developments which led to the "Activist" movement. When no other influence is at work, the Swede, of whatever class, who is a Conservative in domestic politics, has a leaning toward Germany. The opinion of the great mass of the people was that they "did not want Germany to be crushed." The old dread of Russia led to disappointment with the idea of England and France combining with that country to defeat Germany, the natural counterpoise to the power which the people of Sweden had been taught to regard as a standing menace to the integrity of their homes.

The situation was dangerous but it offered a unique opportunity for removing that menace and also assuring a glorious and prosperous future. Sweden was urged to throw herself into the conflict. Wild dreams of winning back Finland, of punishing Norway, and of realizing the imperial hopes of Gustavus Adolphus found considerable support. It is probably safe to say, however, that these were merely dreams. Actually there was no desire for a reunion of Finland with Sweden. Such a step would weaken the position of Scandinavia; it was unnatural, differences in race and language were too great. But the intimate cultural and commercial relations between Finland and the other northern countries have united their peoples to one another with strong intellectual ties and sympathies. There was much grief over the limitations on Finnish self-government and fear of a spread

[17] The *Times*, August 22, 1917.

of the zeal of Russification. Designs of Russia for an entrance to the Atlantic through Sweden and Norway furnished another specter to be held up by the alarmists. These designs would hardly have harmonized with the interests of Great Britain, however, who was opposed to any disturbance of the *status quo* in such manner. Norway was in a somewhat different position, being closer to England and through her mercantile fleet[18] more akin to that country. At the same time there was opposition to Germany throughout Scandinavia, harking back to the war of 1864. Hope lived of a fulfillment of the promise given in the Treaty of Prague[19] that the Danish-speaking population of Schlesvig might by a plebiscite decide their own fate. The German policy of coercion was considered as a narrow-minded and unjust tyranny. The north admired Teutonic art, poetry, science, and industry but was amazed to see the constant vexations and infringements inflicted in northern Schlesvig. This applied not only to public opinion in Denmark but was general in Scandinavia.

Thus public opinion was pulled in different directions. Strong intellectual and economic interests bound the Baltic countries to all the great belligerent powers. Sentimental ties and historical retrospect fashioned adherence to one side or the other. However, there was no available prize to counterbalance the certain losses and possible risks which would be entailed by a headlong participation in the conflict. Professor Fahlbeck himself, one of the most zealous of the Activists, is quoted as saying,

> One cannot begin war without possessing first, a reason for declaring it; and second, an aim in waging it. And we lack both. Both the reason and the aim should in this case be palpable; not general ideas which the people cannot understand.[20]

The first effect of the war upon Sweden was one of paralysis. Pleasure-seekers and tourists rapidly left the country and a cessation of trade occurred. The closing by Russia of the northern Baltic by a line of mines drawn south of Stockholm began the shutting off of trade and commerce, and the closing of the North Sea by Great Britain dealt another staggering blow as England thereby controlled all ships passing to the harbors of northern Europe. Germany was likewise active and in 1915 over five hundred Swedish ships were

[18] At that time the third largest in Europe.

[19] G. F. de Martens, *Récueil Générale de Traités*, XVIII (1873), 345.

[20] G Johanson, "Schweden's Stellung im Weltkriege," *Deutsche Monatschrift für Politik u Volkstum*, 3. Jahrgang, Heft II, 322.

towed into her harbors. Perhaps the greatest source of irritation was the British seizure of parcel post destined for Sweden, particularly during the Christmas season of 1915. It has been pointed out that the strong anti-British feeling in Sweden was more of a reaction to occurrences during the war than any pro-German sympathy prior to the conflict. British restrictions on imports caused more trouble than German submarines.[21]

Much of the criticism of the Allies and the better sentiment expressed toward Germany may be traced to the influence of the German press propaganda. The numerous German press despatches were given full credence and the German government put a mass of information at the disposal of publicists not only in Sweden but in all the neutral states. The Allied countries at first paid little heed to this aspect of carrying on the war and it was difficult to get even British or French papers and news first-hand in Sweden. Reports of the war and foreign activities in general thus came to Sweden largely through German channels with a coloring of events calculated to establish anything but a favorable impression as to the enemies of that country. So at first but one side of the story was known and the "war party" was prominent. It was fortunate for the Allies that the influence of this party was balanced by the fact that the Socialists of Sweden were in most cases hostile to Germany and in all cases strongly in favor of non-intervention.

As the war continued, however, Sweden leaned more and more heavily on her policy of strict neutrality and was steadily weaned from Germany. When the true story of Belgium and Armenia came out, when Great Britain sent a commission to confer with Swedish authorities in regard to the British policy of contraband, and the searching of neutral vessels and grievances of this nature were straightened out, feeling toward the opponents of the Central Powers was much ameliorated. Even Russia apologized for her undue proximity to the Swedish coast in the naval battle of Gothland in which Sweden claimed a violation of her territorial waters.[22]

Some writer once characterized the Swede as an aristocrat, the Norwegian as a democrat, and the Dane as a business man. Sweden, unlike Norway, has a real Conservative party, which is firmly

[21] R. C. Long, "Anglo-Swedish Opposition," *Fortnightly Review*, CV (1916), 235–248.

[22] The *Times*, July 5, 1915.

intrenched in the Upper Chamber of the Riksdag.[23] It is this party which we have seen was enamored of Prussian efficiency. The Liberals, on the other hand, have always looked to England for their model of parliamentary government. The Socialists feared and hated German militarism and this in spite of the large Social Democratic party in Germany at the time. The last two parties secured a majority in the Lower Chamber and were thus able to force the resignation of the bureaucratic Hammarskjöld ministry which had really been a minority government. Nominally the defeat of Hammarskjöld in 1917 was on the question of the budget; actually it was in order to put through a trade agreement with Great Britain.[24]

This shift in the Riksdag, coupled with the events I have already described, determined the course of Sweden for the remainder of the war. Thinking men were seeing that in the world-crisis, regarded from a purely Swedish standpoint, there were many and strong reasons for the conclusion that a peace in which the Allies would have the greater say would mean the greater security for Sweden. If the Central Powers should get a clear superiority in the war so that they could determine the peace conditions, Russia would continue to be dependent upon the good will of others for her access to the oceans and in that case she would probably seek such an outlet in the north.[25]

A letter to the *Times*[26] about this time sums up the situation in Sweden as follows:

> While the policy of Sweden is one of steadfast and loyal neutrality, private feeling on the subject varies. Opinions differ as to the origin and causes of the war, its general features, and the possible conditions of peace. The invasion of Belgium is generally condemned. The treatment of Greece is variously judged. Indignation at certain German methods is pretty general and is kept alive by the submarine warfare.

It is certain that the conduct of the Germans alienated many of the former supporters of their country and Ossiannilson claims to speak for a majority when he launches a violent attack on Sven Hedin and his powerful clique:

> You have denied humanity, Sven Hedin, and in return the Swedish people deny you today. We know you not. What are your discoveries to us? What

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[23] The Riksdag is the Swedish Parliament composed of two chambers having an equality of power. Numerically the Second Chamber is the stronger.

[24] March 28, 1917. See the *American-Scandinavian Review*, V (1917), 240–241.

[25] Lt. General Baron Ericson, *Några Svenska Betraktelser i dessa Allvarliga Tider.*

[26] August 22, 1917.

care we if you have discovered both Thibet and China? You have not discovered Armenia; you have not been able to find Serbia, and you have passed over the ruins of Belgium without discovering your heart.[27]

This is perhaps an exaggeration as until the end there were many sympathizers with the cause of Germany, and after the war Sweden immediately stood out as one of the champions of that country. It does show, however, that there was little danger of a deviation from the policy of neutrality as outlined repeatedly in the Riksdag, in the speeches from the throne, and by the government.

The Russian revolution, in March, 1917, further emphasized the position of Sweden in this regard although that event was accompanied by new problems of a rather severe nature. With the revolution the fear of Russia disappeared. That country was no longer a threat to Sweden and for the first time in several centuries the people of the north breathed easily. The revolution, however, freed Finland and also brought the menace of the Bolsheviks. Although the Finns are often thought of as allied to the Scandinavians, the bond is not so close and there was not much abstract sympathy in Sweden for the new free state. It was not so much a feeling of brotherhood for the "Whites" as the hostility of the "Reds" which gave real strength to the Conservative demand for active intervention in Finland. In the civil war in progress in that country Sweden and Germany were asked to intervene and the Government in Sweden was strongly attacked by the Opposition for refusing to do so. In a speech at Linköping on March 20, 1928,[28] the Premier, Dr. Edén, pointed out that Sweden did not care to intervene in the dangerous game which German policy was seeing fit to play in Finland. The Conservative demand was based on two principles. First, there was regret at the seeming disposition to let such an opportunity to establish a sphere of influence slip, and secondly, there was now a fear of German domination of the Baltic through the extension of her influence in Finland and the other Baltic provinces. The Social Democrats composing two-fifths of the Lower House were to a man opposed to the participation of Sweden, and the extreme Left even more so. The Government pointed out the danger of combining with

[27] *American-Scandinavian Review*, loc. cit. In regard to Sven Hedin I might note that this great traveler and explorer served on the German staff during part of the war.

[28] The *Times*, March 22, 1918. See also the issues of April 3 and May 31.

Germany, as it might be considered an act of war and an abandonment of Sweden's neutral position.

In my discussion so far I have not noted the effect which Swedish neutrality had upon the powers engaged in the war. From the fact of their geographical position in relation to the belligerents, the Scandinavian countries as well as some of the other neutrals were forced to exercise wide control over their exports. These restrictions, unprecedented in extent, had an important effect on the conduct of hostilities.[29] Extensive lists of articles, the export of which was prohibited, were issued by all the neutrals and in many cases worked considerable hardship upon some of the warring powers. Swedish steel, timber, matches, and other raw materials and manufactured products were sorely missed in many markets. Decrees relative to mines and submarines, convoys, the regulation for the navigation of certain passages, internment of belligerent vessels, and territorial waters,[30] were plentiful and important in determining the course of the war in the Baltic.

Germany derived many benefits from Swedish neutrality. Swedish legations transacted her business throughout the world. Sweden afforded an outlet for Germany, who would otherwise have been completely blockaded; she closed the Baltic, cut off Russia from the west, and revictualled Germany to the detriment of her own people, with a generosity akin to sacrifice. Indeed, her activities along these lines brought criticism upon the Government both at home and abroad. In spite of all influences to the contrary, the Swede at heart is normally more closely bound to Germany than to the other states of Europe and the rest of the world save possibly his northern neighbors. Such being the case, it is not to be wondered at that shipments of necessities often found their way into Germany and that during the early years of the war Sweden prospered from what was added to her coffers from German channels.

This brief introductory treatment has failed to cover a number of things that I have thought it more expedient to omit. A lengthy examination of the legal aspects of neutrality, the difficulty of main-

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[29] Naval War College *Publications, International Law Documents, International Agreements,* 1916, 33, 44–53. See also the volumes of 1918, 1919.

[30] With respect to *territorial waters* note the Swedish Minister to the United States to Secretary of State, Bryan, March 5, 1915. "Four nautical miles (7,420 metres) from the coast or from the furthest outlying islets or skerries which are not continually washed by the sea." *Ibid.*, 1919, 153.

taining that status, and the encroachments upon it have no place within the limited scope of this paper. I leave them to the student of international law.[31] Here I have merely tried to present the general position of Sweden during the world war, and her rigid policy of neutrality, and to picture Swedish temperament and feeling so as to make possible a better understanding of what follows. One important thing, however, I have reserved for the next chapter, namely, the cooperation of the Scandinavian states during and after the war—what His Excellency Baron E. Marks von Würtemberg has seen fit to call "*L'oeuvre commune des pays Scandinaves.*" This movement consisted chiefly of preliminary efforts toward bringing about some kind of international organization after the conclusion of the war, and falls within the scope of the following chapter.

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[31] See Professor Malbone W. Graham's doctorate dissertation, *Neutrality and the World War,* University of California, 1921.

CHAPTER II

THE ADHERENCE OF SWEDEN TO THE COVENANT OF THE LEAGUE OF NATIONS

For over a hundred years, since 1809, the Swedish people have not stood before so important a question and so portentous a decision.—Herr Vennerström in the Second Chamber, February 18, 1920.

I believe that we win more respect in the world, we win more self-respect, in case we wholly and completely and without reservations give our adherence to something which will be bettered, and which we wish to participate in bettering, but which we will not be able to better by remaining critical outsiders, but only by fully and wholly cooperating within the same.—Hjalmar Branting before the Northern Interparliamentary Union, September, 1919.

For one hundred years preceding 1914, Sweden had not taken up arms and its people were practically unanimous in regarding peace as the sole sure foundation of progress and national prosperity. During the war the Swedish Right, realizing the proximity of the conflict, judged it to be its duty not to let the people rest in a false security and took military measures necessary to show to the eyes of all its firm desire to safeguard, if need be by arms, the neutrality of the country. If Sweden did have the good fortune not to be drawn into the conflict, it was only because of her unchangeable resolve to observe a strict neutrality in addition to the fact that she was in the best state of preparedness.

The war was still in full force when the three Scandinavian powers gathered together to consider plans for safeguarding the interests of the neutrals after the war and for the elaboration of an international juridical organization. In adherence to the negotiations which took place at the Ministers' meeting at Christiania, November 1917, and in accordance with the decision at that meeting, His Majesty Gustaf V, on January 22, 1918, appointed a committee consisting of Baron E. Marks von Würtemberg, Baron Theodore Adelswärd, and Mr. O. A. H. Ewerlöf, to carry out, in cooperation with corresponding groups from Denmark and Norway, the common will. The three committees met in Copenhagen, May 13–22, 1918, for preliminary considerations. It was agreed that the results of their

investigations should be submitted to the three governments in identical reports.

On the twenty-second of the same month, the Swedish committee reported to the Minister for Foreign Affairs their opinion that a suitable way for achieving the desired results would be to call a conference with the representatives of all the neutral states.[1] With this conference in view, the committee restricted its work to preparatory plans looking toward the establishment of an international juridical organization, limiting itself to certain special questions falling within its scope. These questions were, on the one hand, of such universal character that they in great measure affected all the neutral states and, on the other hand, had already through earlier consideration become so generally familiar that their practical solution, even at that time, seemed possible. These matters included:[2]

1. A permanent organization for international peace conferences.
2. Obligation of states, before they should go to war, to permit their difficulties to be settled by, or at least submitted to, peaceful procedure.
3. Establishment of a new permanent court for the settlement of questions of international law.
4. Establishment of a medium for setting up international commissions of inquiry and arbitration procedure.

In accordance with their instructions, the Swedish committee then drafted on the basis of the outlined program a proposal for an invitation to the neutral states of Europe, to be submitted at the next meeting of the Ministers at Copenhagen, June 1, 1918. This invitation, containing the essence of the reports to the Government, was supported by the Danish and later the Norwegian Governments. It was sent to the representatives in Stockholm of the Netherlands, Spain, and Switzerland during the early days of September, together with an unofficial inquiry as to whether these states would be willing to be represented in the neutral diplomatic conference which was being considered by the Scandinavian powers. At the same time the delegates of the belligerent powers in Stockholm were notified of the content and import of the proposal.

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[1] See speech of the Minister for Foreign Affairs (Hellner) before the Council of State, February 14, 1920. This is cited in *Kung. Maj:ts Proposition nr. 90, Bihang till Riksdagens Protokoll* (1920), 1 saml. 75 häft (Nr. 90), hereinafter cited as *Proposition 90*. See *infra*, 277.

[2] *Proposition 90*, 10. See also the report of the Swedish committee in question, *Betänkande rörande En Internationell Rättsordning, and Förslag till Konvention*, Stockholm, 1919; also the articles by Würtemberg, "L'Oeuvre Commune des États Scandinaves," *Les Origines et l'Oeuvre de la S.D.N.*, II, and Ernest Trygger, "L'Entrée de la Suède dans la S.D.N., *ibid*, 428–439.

In the interim the Swedish representatives worked out suggestions as to the work of the conference on the last three items of the agenda. The Norwegian committee similarly outlined the first item, the permanent organization of the Hague Conferences. The four propositions then underwent a careful scrutiny at the collective meeting of the three committees at Copenhagen in the last days of September and the beginning of October, 1918. Before any additional observations could be made the replies from the other neutral states necessitated a change in the original plans. Although all these countries were much in favor of the work's being undertaken by the northern states, they were not able to participate in that work.[3] The basis of the whole program therefore had to be altered, and the committee found it necessary to consider more completely the proposals at hand and also, to a certain extent to broaden the agenda. They were now working in anticipation of an international conference to which their final results would be submitted.

Late in November another meeting was held and the final draft completed and presented to the three Foreign Offices. This, together with a report of the committee on Sweden, was printed[4] and distributed among the members of the Riksdag. The suggestions made in this draft later became the main basis of the Scandinavian proposals for changes in the Covenant of the League of Nations.[5]

The committee report opens with certain preliminary dispositions in regard to the scope of the international combination of nations which should be effected for the realization of the desired juridical organization (arts. 1–4). The members of the committees expressed their wish that this organization might include all the states which were invited to the second Hague Conference. Any such organization would be practically worthless unless adhered to by the larger powers. Articles 5–9 were concerned with general obligations embracing the duties of adhering states to submit their disputes to peaceful procedure. It was pointed out that not all international difficulties are of such nature as to permit solution according to international law and justice. International law had not yet reached a stage of develop-

[3] *Betänkande,* op. cit., 110–112, annexes 6, 7, 8.

[4] As *Betänkande rörande en internationell rättsordning, avgivet av därtill av Kungl. Maj:ts utsedda kommitterande, jämte förslag till konvention, utarbetat av ovannämnda kommitterande i samarbete med motsvarande av danska och norska regeringarna tillsatta kommitteer.*

[5] *Infra,* 304–309.

ment to warrant a universal inclusion. The Swedish representatives were not of the opinion that any system of universal compulsory arbitration could be instituted, but they did not feel that this should prevent the enlargement of the scope of peaceful international settlement.

Article 9 suggested the desirability of extending the principle of arbitration in content and the putting of the same into effect by some general affirmation. The experience of the Hague Conference had shown the difficulty of achieving that end, however, and in case this should recur, recourse must be had to separate agreement between two or more states.[6]

In regard to procedure for the settlement of disputes provision was made for their reference to an arbitration tribunal as under the 1907 Hague conventions and also to a permanent international court functioning through a restricted number of members elected by the states upon an equal basis. Conciliation and inquiry would be undertaken by special commissions of five members picked so far as possible by the parties themselves.[7]

Judicial procedure would be followed whenever the parties agreed thereto. If the parties agreed that the permanent court had jurisdiction, settlement would take place there; otherwise, in a court of arbitration. Decisions were to be binding on the parties involved. The results of inquiry were, on the other hand, merely a basis for later conciliation and hence not binding although the parties were to refrain from the use of force until a certain time had elapsed after the making known of said results.

It was desired that the use of court procedure might become more and more the general means of action. In order that this might take place the codification and development of international law must occur.[8] Hence a permanent organization of the Hague Conferences was suggested (arts. 73–88). As a central organ to cooperate with this permanent organization, as well as to act as a bond between the conciliation commissions, an international council of fifteen members was proposed (arts. 40–47). This council besides being a sort of

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[6] This is exactly the point of view taken by Sweden after she became a member of the League of Nations. She has striven for an extension of the principle of arbitration, while at the same time she has negotiated numerous arbitration and conciliation agreements separately. *Infra*, 322–335.

[7] *Betänkande, op. cit.* 16–17 *passim*, 42–53. See also *Proposition 90*, 11–13.

[8] For continued action by Sweden in this respect see *infra*, 317–322.

central authority in the new international organization was to watch over the observance of the covenant by member states and to call to their attention any deviation therefrom. This question involved the problem of sanctions and in that respect it was felt by the Swedish committee that it was not within the proper domain of the smaller powers to take action. It was intimately bound up with an international limitation of armaments and a small state could not without great hesitation assume obligations so long as it thereby risked placing itself against a powerful neighbor.

In the meantime the political complexion of international affairs was rapidly changing and even before the report which I have outlined was submitted to the Minister for Foreign Affairs events had made essential the consideration of the question of sanctions and of a world-wide limitation of armaments.

In this connection, the King, on November 19, 1918, charged the committee to clarify the position of Sweden as to proposals which were expected from other quarters on these two points and authorized the Swedish delegation to outline, in conjunction with the Danish and Norwegian representatives, the Scandinavian position.[9] Because of the rapid change in the situation at the Peace Conference, the committee did not have an opportunity to submit a report on the subject before the preliminary steps toward the formation of the Covenant of the League of Nations had been taken. Its suggestions, however, became the basis of the instructions of the Swedish delegation to the conference at Paris which was to consider the final draft for the League.

In December, 1918, negotiations occurred between Sweden, Denmark, and Norway respecting the attitude of the three governments toward the preparatory work on these questions which was being taken up in conjunction with the peace settlement. It was agreed to send a note on this matter to the French government through the respective representatives in Paris. This note, which was drafted on the basis prepared in the Scandinavian committees, stated that the establishment of a League of Nations was of vital importance to all civilized states and should react on the legal relations among states. It might also bring substantial influence to bear on the constitutional, economic, and military organization of states and therefore it was of

[9] *Proposition 90*, 13.

fundamental importance that from the very outset the northern states be permitted to participate in the preliminary work.[10]

This appeal from the Scandinavian countries received no answer and that section of Europe was left in doubt as to what was actually being accomplished at the Peace Conference. As is well known, the ideas of President Wilson were accepted and the provisions regarding a League of Nations and an international judicial organization were incorporated into the peace treaties thus preventing the possibility of calling into consultation the representatives of other states than the Allied and Associated Powers. At a plenary session on January 25, 1919, a commission headed by Wilson was chosen to work this whole question out, which was done rather hastily, and on February 14, only a month after the convening of the Peace Conference, the project of the Pact of the League of Nations was published.

The proposals contained therein caused a sensation in the neutral countries, notably among the Sandinavian powers. Contrary to their plans, the Covenant provided for a central organization, distinctly political, and foresaw economic and military sanctions as well as future arrangements on the subject of disarmament. It postponed, on the other hand, the important question of a permanent court and was silent on that of a procedure of conciliation. More than that, the new organization was not to include among its members the Central Powers.[11]

Following the publication of the proposed draft for the League Covenant, the League of Nations Commission for the Peace Conference, on March 10, 1919, through Colonel House, addressed a letter to the representatives of the thirteen neutral powers in Paris, informing them that the Conference desired, before the final adoption of the Pact of the League of Nations, to learn the opinion of the neutral states on the rules contained in the Covenant; the Conference being a reunion of the victorious powers, it was not possible to hear the neutral states in an official manner, but this difficulty did not exist for a private discussion with the representatives of these states: they were invited to a meeting at Hotel Crillon, March 20.[12]

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[10] *Proposition 90*, 13.

[11] On this subject and what immediately follows see Würtemberg, *op. cit.*, 213 *passim*.

[12] Munch, P., "Les Etats Neutres et le Pacte de la S.D.N.," *Les Origines et l'Oeuvre de la S.D.N.*, 160–188.

This was not very satisfactory, but the idea of a League aroused in Sweden so strong an interest that the Government declared in favor of being represented at the non-official conference. A delegation consisting of Counts Ehrensvärd and Wrangel, Barons Würtemberg and Adelswärd, and Hjalmar Branting was appointed to represent Sweden.[13] Their instructions are contained in *Proposition 90*[14] and, summarized, were as follows:

The Swedish representatives were to collaborate with those of the other neutral states, particularly the Scandinavian countries, and present a common viewpoint.

The Swedish Government as well as the whole Swedish people was animated with a strong sympathy for the idea of a League of Nations. It realized that the suggested pact was very imperfect but that it could be used as a starting point from which a League of Nations might develop. It could not, however, take any attitude as to prospective adherence to such an organization until the plans for it were formulated much more completely. In this regard it was thought that:

1. The period in which a number of the more important states would remain outside of the League should in the interests of general peace be made as short as possible.

2. Great and small powers should be represented in the Council by an equal total of delegates. The pact should contain rules as to how the delegates of secondary powers should be chosen. It should be possible to speedily call that body together at any time.

3. The organization of the permanent court should be assured by rules laid down in the Covenant and not left to the discretion of the Council. The work already done by the Scandinavian states in this regard as well as along lines of arbitration and conciliation should be used.

4. In regard to economic sanctions a gradation should be used so that full economic isolation should not immediately be called into play.

5. A third power, not a member, should not be hindered in the enforcement of sanctions.

6. The Covenant should include far-reaching agreements as to disarmament and international control over the continuance of the same.

7. Eventually such considerations as Wilson's Fourteen Points should form an introduction to the Covenant, particularly such principles as the rights of nationalities and of free trade in the colonies.

In order to gain additional time for the preparations for the conference it was endeavored from Swedish, Dutch, and Norwegian sides to have the date postponed. These efforts met with no success and as a result the Swedish as well as other delegations failed to arrive in Paris in time for the sessions. Sweden was therefore represented only

[13] *Proposition 90,* 17. [14] Annex 3, 156–162.

by her ministers at Paris and London, Counts Ehrensvärd and Wrangel. On the day prior to the opening of the conference the ministers of Sweden, Norway, Denmark, Holland, and Switzerland met in order to try to adopt some kind of common program.

The discussion between the neutrals and the League of Nations Commission took place in two sittings at the Hotel Crillon, March 20–21. The Commission was represented by a subcommittee composed of Robert Cecil, Colonel House, Leon Bourgeois, Paul Hymans, Vesnitch, and Venizelos. The questions considered were: the universality of the society, the reduction of armaments, the organization of the society, arbitration and conciliation, sanctions, mandates, and actual changes to take place in the Covenant. The heed paid to the wishes of the neutrals has been described as negligible, yet some of the changes made to bring it into closer accord with the instructions of the Swedish delegates included: provisions for frequent and speedy convocations of the Council, the increase of the number of lesser states represented on that body, a special seat on the Council when questions pertaining to non-members of it were under consideration, admission to the League made easier, the rights of states to set up by themselves special commissions of inquiry verified, while assurances were given of intention to establish as soon as possible the Permanent Court, and an affirmation of its legal and non-political character was made.[15] These changes in the Covenant were ratified at the time of its adoption at the plenary session of April 28, 1919, and were incorporated in the Treaty of Versailles of June 28, which went into effect January 10, 1920.

In the Scandinavian countries opinion was divided as to the merits of a League founded on such principles. No party manifested any true enthusiasm for the solution offered. The absence of Russia and the Central Powers reduced the chances of the completion by the League of its mission; the whole scheme smacked of a mere alliance of the victorious powers; the adherence of the neutral states would not make much difference; the Council occupied a disproportionate position and there was a lack of distinction in the line of demarcation between that body and the Assembly. On the other hand, there was agreement with President Wilson that this was an admirable

[15] *Proposition 90*, 19–20, annex 5, 167–172. Since the above was written David Hunter Miller's new work, *The Drafting of the Covenant*, has appeared. His Document 25, II, 592–645 (French and English texts), outlines the meetings with the Neutral Powers, March 20–21, 1919.

opportunity for international organization; the League was a noble guaranty of peace composed of most of the civilized states as well as the more powerful; the preponderance of the larger powers was justifiable; the new régime marked progress over the old and there was danger in pursuing an isolated policy.

The great mass of the Swedish population remained silent about these discussions for it hardly had a determined opinion. The League's lack of universality and the excessive rigor of the stipulations of the Versailles treaty were not conducive to enthusiastic support of the new institution, but there were also a number of forces fighting in favor of adherence. The Government could not take immediate action as the ratification of the Peace Treaty did not occur until January, 1920.

At the eleventh meeting of the Northern Interparliamentary Union at Stockholm, September, 1919, the general question of the League of Nations was the main topic of consideration. The chairman, Baron Adelswärd, in a long address to the Assembly, urged the adherence of the smaller states to the League. Hjalmar Branting expressed his views as noted at the beginning of this chapter. On September 3, the meeting placed on record the following resolution:[16]

> The Eleventh Northern Interparliamentary Assembly is happy to greet the possibility afforded by the peace settlement of founding through the League of Nations a new international organization of justice and an organization cooperating for the common interests of nations in social, economic, and cultural spheres.
>
> The Assembly hopes that the League through the setting up of a permanent institution for the settlement of international disputes and through a far-reaching reduction of military preparations as its nearest goal, may so develop that it may unite all states in the safeguarding of a lasting peace and in the promotion of the highest interests of humanity.

A peace conference in which the Scandinavian states participated at Stockholm, September 4–5, 1919, also acknowledged the work of the Paris Peace Conference to bring about a League of Nations and was of the opinion that the northern states should join that body with instructions to get the Pact of the League so bettered and expanded that the League might embrace all civilized peoples everywhere; that its representative organ might be so developed in a democratic manner that the Assembly may become a real "parliament of man"; that compulsory arbitration might be introduced in future conflicts among

[16] *Årsbok för Nordiska Interparl. Förbund* (1919), Pt. II.

states and the "right of war" abolished; that universal military service be abolished; and that isolated states should have a right, so long as war as a means of settling international disputes is not abolished, to declare themselves permanently neutral.[17]

On one question, article 14 of the Covenant of the League of Nations, it was provided that the Council might prepare and submit to the Assembly proposals concerning the creation of the Permanent Court of International Justice. In the summer of 1919 it was learned from an official source that a number of experts in the field of international law were charged with drafting for the Council a preliminary provision for this purpose and that the Governments of member states and those invited to enter might address to the Secretariat propositions containing their desires in this regard. The Scandinavian Governments resolved to ask the committees previously named to see if the proposals elaborated by them could be preserved as they were or if it was necessary, by the articles of the Covenant, to remodel them. In August, 1919, the committees met for this purpose and were unable to reach any agreement. The group from Sweden was of the opinion that the first proposals might with a few insignificant changes serve as a basis for the organization and work of the court. In the fall of 1919 each of the three northern states deposited with the League Secretariat their separate proposals. In January, 1920, upon an invitation from the Government of the Netherlands, the Scandinavian powers and Switzerland sent representatives to The Hague, where at a meeting the following month a new project relative to the establishment of a permanent court was formulated and deposited with the League of Nations in March. In this project the Scandinavian proposals played a large part.[18] In the last months of 1919 the three committees busied themselves with considering the question, soon to come up, relative to prospective adherence to the League of Nations, at the same time agreeing, in case of adhesion, to pursue similar policies in order to secure a revision of the Covenant.

During this time much other official and non-official discussion took place in regard to the question of adherence. Besides the views of the Swedish delegation to the neutral conference at Paris, which I have already noted, the statements of the chiefs of staff for the

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[17] Herr Palmstierna, speech in Andra Kammaren of the Swedish Riksdag, March 3, 1920. *Andra Kammarens Protokoll*, 1920, n:r 24.

[18] Würtemberg, *op. cit.*, 216 *passim*.

army and navy may be worth considering. In his report,[19] which is appended to *Proposition 90*, Lars Tingsten, head of the general staff, pointed out that, under the provisions of the Covenant, members of the League of Nations in order to comply with the purpose of the new institution must submit to certain restrictions on their rights of self-determination and freedom of action as well as to certain binding duties in regard to the domain of national defense. The same would entail an impairment of the defensive position of a state and it was open to doubt if the guaranties accruing from membership in the League would compensate for this weakened position. In his more detailed analysis of certain parts of the Pact, Mr. Tingsten showed that article 8, providing for disarmament, did not in itself constitute a guaranty for peace. The duty of participating in economic sanctions might also easily lead to war and it was doubtful whether assistance could come in time and in sufficient numbers in case of need. Again, the forces of Sweden were maintained only in numbers enabling national security, and obligations to participate in international sanctions might easily necessitate an increase in those forces. The danger of a member of the League's having to participate in war seemed to him to be greater than that of a state on the outside.

The summary of the viewpoints of the Chief of Staff included:

1. Through membership in the League of Nations the danger of a state's being attacked was lessened. On the other hand, the possibility of maintaining a strict neutrality during impending conflicts was also diminished as members bore the risk of being involved in every conflict concerning the League.

2. Opposed to the added danger of being involved in war and having the home country thereby become a theater of war, there stood the guaranty of territorial integrity and political independence.

3. The necessity of being able to secure its status by its own powers consequently remained of undiminished importance to a state. Unless the Covenant of the League more completely guaranteed the organization of defense, adherence would be a step fraught with severe consequences. On this point the Pact did not have sufficient clarity and further time was required to interpret its provisions in general and the effect of putting the same into practice.

The Chief of Staff for the navy in his report[20] went into certain possible future politico-military groupings of states which, being of a secret nature, were not made known to the public. In the actual question he intimated that articles 4 and 11 of the Covenant were particularly objectionable as giving opportunity for the Council to

[19] *Proposition 90*, 99–102. *Yttrande av chefen för generalstaben till Konungen*, annex 8, 202–212.

[20] *Proposition 90*, 102–105.

intervene at almost any time and also to increase its influence out of proportion to that of the Assembly. He held that Sweden in case of entry as a member of the League assured herself of a certain protection but in case of war among the Great Powers this might be ignored, and by adhering, the country lost the possibility of remaining neutral in an impending conflict. By remaining on the outside, these difficulties would be obviated and the general security which might arise from the institution of a new order would still be at hand. In either procedure the geographical position of Sweden made it necessary that she maintain her own defense irrespective of other guaranties. Both of the gentlemen mentioned thought that from a military standpoint Sweden would be weakened by joining the League. They overemphasized, however, the freedom of action that a small state on the outside would have. I have cited their views rather fully in order to show something of the feeling which existed in Sweden on the part of the more conservative element. Unfortunately the whole question of adherence was made a party issue and the real welfare of the country in a national rather than a political light was not considered. In Denmark and Norway, the case was different and the national interest prevailed as against political influences. That of course was partly due to the fact that in those countries there was no real Conservative party such as existed in Sweden, as we have already noted.[21]

According to article 1 of the Covenant of the League of Nations we find that organization to be composed of

> The original Members . . . . the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede *without reservation* to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat *within two months of the coming into force of the Covenant.* . . .

The Versailles Treaty went into effect on January 10, 1920, and with it the provisions for the League of Nations. From that date was reckoned the time limit of two months allowed the neutral states for filing their adherence. Sweden was informed of this fact in a telegram from M. Clemenceau, President of the Peace Conference, and by Sir Eric Drummond, Secretary-General of the League of Nations.

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[21] On the question of adhering to the League, Sweden does not seem to have been greatly influenced by the action of Denmark and Norway except for appeals for Scandinavian unity. The attitude taken by Switzerland and the United States seemed to be of as much if not more concern.

Sweden was thus, with the other neutrals, forced to adhere unconditionally and definitely by the tenth of March without knowing exactly what signatory powers of the treaty would enter.

> The League of Nations was thus founded in an atmosphere of war, in which states were classified in three groups—the worthy, the less worthy, and the unworthy—the first including all those, such as the republics of Hedjaz, Haiti, or Liberia, who had taken part in the conflict on the side of the victors, the second constituted of the neutrals, and the third of the vanquished. Under such circumstances it seemed as if the League which had been the dream of friends of peace and reconciliation of peoples, was nothing but a shrewd means designed by the victors to associate the neutrals with measures intended to secure the execution of the treaty in which they had just dictated crushing conditions on their adversaries.[22]

In spite of the short period of time allowed to consider the question, it was not brought to the attention of the Riksdag until less than a month before it had to be settled. The leader of the Right, Ernst Trygger, whom I have just quoted, said that the Swedish Government hardly believed it its duty to ask the Riksdag to authorize the making of a declaration of adherence. However, the hesitancy of the party leaders to bring the matter before the two houses was due rather to a desire to see first what action would be taken by the United States and what reply the Swiss demands for an extension of the time limit would receive. Switzerland wished to make reservations to the effect that its entrance be contingent upon the adherence of the five major powers and that time be granted to permit the question to be submitted to a popular referendum. The League of Nations refused to consider the former demand, it being contrary to the definite stipulations of the Covenant, and urged that steps be taken to ensure a referendum within the immediate future. Encouragement from this source was thus not forthcoming and as the Senate of the United States continued to be recalcitrant there was nothing to do but proceed.

Accordingly, on February 14, 1920, His Majesty's *Proposition Number 90* was issued from the palace proposing to the Riksdag that that body agree to a declaration by His Majesty that Sweden adhere to the Covenant of the League of Nations of June 28, 1919.[23] This document contained the minutes of a report given by the Ministry for Foreign Affairs before the Council of State on that date. In this

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[22] Trygger, Ernst, "L'Entrée de la Suède dans la S. D. N.," *Les Origines et l'Oeuvre de la S. D. N.*, 428, *passim.*

[23] *Proposition 90,* 1.

report the Minister for Foreign Affairs, John Hellner, gave a long summary of the origin of the League Covenant and the events which marked the establishment of that organization, the work of the Swedish Government toward the development of an international cooperative system, the joint endeavors of the Scandinavian states in this regard, and the efforts made by the neutral powers to effect an impression on the plans drafted at the Peace Conference. Mr. Hellner then took up the Covenant article by article, commenting upon their import with respect to his country, Sweden. The advantages and disadvantages of adherence to the League were discussed and the attitude of the Swedish Government stated as follows:

The fundamental duty now facing the whole civilized world was the formation of a world organization calculated to prevent war and by peaceful methods endeavor to settle international disputes, to reunite severed nations, and to develop international cooperation. The horrible experiences of the world war had created a demand for this in all the states, and it was their duty to contribute each in its own sphere toward the realization of this common hope and purpose of the human race. That adherence to such an organization would impose certain limitations on the external aspects of the sovereignty of a state was admitted, but this was inevitable in giving effect to the new order for the preservation of peace. Hence Sweden should not remain on the outside, but should join and as a member work for the principles which she believed that the League of Nations should stand for and work toward.[24]

The Government bill advocating adherence was introduced into the Riksdag on February 18, 1920, and the debate on it was opened by Trygger, leader of the Conservatives in the Upper Chamber. He characterized it as the most important question which the country had ever faced and attacked it heartily as being a deviation from the sound principles of Swedish foreign policy since time immemorial. He was opposed to the League as being a part of an unduly severe treaty imposed by the victors upon a conquered nation. It failed to voice the wishes of the neutrals and entailed a substantial impairment of the sovereign equality of those states with those participating in the war on the side of the Allies. The time for consideration was too limited and adherence was required before it was known whether the

[24] *Proposition 90*, 1906, 114–115. See also *Särskilda utskottets utlåtande n:r 1, Bihang till riksdagens protokoll*, 1920, 11 saml. 1 avd. 1 häft. (n:r 1), 5.

peace treaty would be ratified or not. It was galling to be placed in an inferior position to that of such communities as Cuba, Equador, Haiti, Liberia, Siam, etc. The position of the United States was not yet known and what the position of Sweden would be should she join was indicated in a quotation from Lord Cecil: "If the enemy states are excluded not so much care will have to be taken, as the small states in any case will not exercise any great importance within the League." The over-balanced position of the Council was a great objection, as mere membership in the Assembly would not be of great advantage. The interpretation given certain articles of the Covenant such as 10, 12, 13, and 15 could very easily place a country such as Sweden in an embarrassing situation and make impossible a self-sustaining policy of neutrality. "Future generations will hold us accountable before the judgment of history unless we undertake this trial with wisdom, courage, and finality together with a consideration for the future and greatness of our land as well as the welfare of humanity."[25]

Mr. Lindhagen, a former anarchist and at that time the leader of the extreme Left, held that the League was opposed to both divine and human law as there had not yet been a change in the ways of thinking and some sort of *rapprochement* must take place before such an institution could be created so as to function successfully. The League still had the old spirit of militarism behind it and did not go so far as obligatory arbitration in all questions as had been hoped for even before the war. A league without freedom and lacking Asia and Africa was not a League of Nations. A League of Nations without Germany and Russia was a mere babe in swaddling clothes, a weak creation walking on crutches. A league without disarmament and abolishment of compulsory military training was but a threat against peace and humanity. The League as set up provided for no solution of social questions and tended to submerge the personality of a state and to take away from it its self-respect.[26]

The Government, leaning on a coalition of Liberals and old Socialists headed by Branting, pointed out the serious faults of the Covenant, but at the same time declared that political reasons demanded adherence. The Minister for Foreign Affairs stated that in the League of Nations there had been created an instrument which

[25] *Första Kammarens Protokoll*, 1920, n:r 13.

[26] *Loc. cit.*

made possible a development along other lines, a coordinated effort for the realization of peace and justice, and therein lay the point on which Sweden should determine her attitude on the whole.[27]

In the Second Chamber, Secretary of State Edén delivered the proposal of the Crown for adherence. There the opposition was opened by the Socialists of the Left headed by Vennerström. He emphasized that the course taken by Sweden should be based upon that pursued by the United States, criticized the departure from the policy of neutrality and also the action of the League in using the forced peace of Versailles as a guaranty. The time was too short and the people should have a say in the final decision.[28] Adherence was urged by the Social Democrats and in a long address Hjalmar Branting discounted the watchful waiting for the United States to act and urged Sweden to take a position for herself.

> No matter how desirable it would be to have the League universal it would not help much toward that end to remain on the outside. There has been much opposition to the Peace of Versailles by the Socialist parties. The French Socialists greatly objected, also, but gave their full acquiesence to the idea of a League of Nations and saw in the provisions of Chapter I of the treaty, the best part of it. It should not be thrown away because part of it is bad. If we do not join we will break not only with this new world-unity but also with the unity among the Scandinavian countries. It is a duty not only to ourselves and to the states of the north, but also to humanity as a whole. . . . The old policy which enabled neutrality during the war no longer holds. New conditions have arisen since then. Nations are banding together and forming a new basis for the preservation of peace.[29]

After the preliminary debate in the Riksdag and a number of motions involving reservations of one kind or another, the question was submitted to the consideration of a special committee appointed by the Crown. This committee carefully investigated the provisions of the Covenant, the arguments advanced in the two chambers on both sides, and the motions made as to reservations as well as non-adherence. Its report was made on the first day of March and distributed among the members of the Riksdag.[30] The committee consisted of twenty-four members headed by Hjalmar Branting. A majority of fifteen recommended the adoption of the Government's proposal. One member of the minority demanded that they await

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[27] *Första Kammarens Protokoll*, 1920, n:r 13.

[28] *Andra Kammarens Protokoll*, 1920, n:r 18, February 17.

[29] *Loc. cit.*

[30] See *Särskilda utskottets utlåtande* n:r 1, *op. cit.*, and Trygger, *op. cit.*, 430 *passim*.

the United States and accept whatever conditions might be imposed by that country. Eight members dissented. The main points of the report were in agreement with the earlier comments of the Crown. It deplored the lack of universality of the League and hoped that the states not in favor of it would soon adhere and that in time the desired comprehensiveness would be reached. The preponderance of the Council over the Assembly was not feared. The lack of definiteness was criticized and certain things were formulated for which Sweden as a member should strive. These points were similar in content to the instructions of the Swedish delegates to the non-official conference of the neutrals with the League of Nations Commission which has been outlined earlier.

The discussion on the report of the committee opened on March 3, and took two days in the First Chamber and one in the Second. The members of the Riksdag were by this time well acquainted with the question and no new arguments were brought forward. One of the objections raised was that adherence would necessitate fundamental alterations in the organic law of Sweden. The delegates to the conference at Paris had considered this and had given as their opinion that there need be no objections on constitutional grounds. The report of the special committee verified this position. The point raised was in connection with the application of some of the sanctions provided for in the Covenant of the League of Nations. Paragraph 74 of the Swedish constitution permits the putting into effect of requisition laws only when a question of upholding neutrality or prevention of contemplated or actual invasion is raised. Provision of troops or other participation in the enforcement of the Covenant could thus not be cared for under law.[31] However, it did not seem necessary to consider this question any further at the time and, as Baron Adelswärd stated during the debate, a political document should not be criticized on legal grounds.[32]

During the final debate Foreign Minister Hellner stated that the Government felt that between adherence and the recognition of the respective weaknesses of being a member and remaining on the outside the former alternative must be chosen. Those in favor of it set their hopes on the ideal aims of the League and its possibilities, looked

[31] *Särskilda utskottets utlåtande* n:r 1, *op. cit.*, 13–14.

[32] *Första Kammarens Protokoll*, II (1920), n:r 19, March 3.

at the weaknesses more leniently, and even found in them hopes for the realization of which Sweden should enter and, as a member, work. The League was a seriously meant attempt to substitute right for might and should be accepted as a nucleus from which to develop and carry forward its purpose. It was not possible for Sweden to remain on the outside. Economic and commercial isolation would result. In case of the League's taking action against an offending member even non-members would have to cut off their relations with the backward state. In such case the non-member participating in the blockade would be without the protection of the members of the League. Hence when the League became a fact it would be little less difficult to remain neutral outside than inside.[33]

Herr Möller pointed out that since 1914 Sweden's armaments had become too heavy and, outside of the League of Nations, the burden could not be shouldered. Baron Adelswärd held that, on the outside, Sweden would be a *quantité négligeable* and, if delay continued, that country would not be urged but would have to stand as a supplicant begging to be admitted. Western and central Europe would soon become members and Sweden would be in "splendid isolation" between a league of Europe's culturally advanced peoples and Russia. The dominance of the Great Powers would be outweighed by dissension among them and a small state on the outside would be more apt to be influenced by the dominant position of such powers than would a League member.[34]

Minister of State Edén showed that, so far, the cooperation of the Scandinavian powers had been based on an identical political viewpoint in regard to foreign policy and world problems in general. There was little opposition to the League in Denmark and Norway, and for these states to join and for Sweden to remain an outsider could not but bring about a change in this relationship.[35] In the Second Chamber he said that it was a great satisfaction to the Government that the final conclusion of the committee, as stated in the majority report, was in complete accord with that of the Crown; namely, that, as the question then lay, Sweden should, yes, must, accept the invitation to join.[36]

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[33] *Första Kammarens Protokoll*, II (1920), n:r 19, March 3.

[34] *Loc. cit.* [35] *Ibid.*, n:r 20, March 4.

[36] *Andra Kammarens Protokoll* (1920), II, n:r 23.

On the whole question it is interesting to note the viewpoint of J. E. Löfgren, until recently Minister for Foreign Affairs, and in recent years an active participant in the League discussions at Geneva. In the Second Chamber he flayed the Great Powers as being less democratic than Germany in her worst days. Even the United States got a "call-down." The treatment in that country of Debs, Heywood, and the I. W. W. was severely criticized and the League was censured as an executioner and administrator of a forced peace for Wall Street and Paris and London financial interests.[37]

The final vote was taken in the Second Chamber after midnight on the third of March and resulted in 152 members supporting and 67 dissenting. The house adjourned at 2:05 A.M. In the First Chamber the poll was 87 to 47 in its favor. On March 9, 1920, the Secretary-General of the League of Nations received notification of the accession of Sweden to membership in that organization and a note from Sir Eric Drummond received a few days later read as follows:[38]

> Since the date of the last meeting (13 March) the following States have acceded to the Covenant . . . . Sweden . . . .

The part played by Sweden in international affairs as a member of the League of Nations forms the basis of the remainder of our discussion.

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[37] *Ibid.*, n:r 24.

[38] *L.N.O.J.*, I, 77, 262.

CHAPTER III

THE ALAND ISLANDS QUESTION

It is with a feeling of profound disappointment that the Swedish nation will learn of the Resolution of the Council.

Sweden is ready loyally to recognize that the decision of the Council has the force given to it by the Covenant. But Sweden will not abandon the hope that the day will come when the idea of justice shall have so permeated the consciousness of peoples, that the claims inspired by such noble motives and a national feeling as deep as that of the population of the Aland Islands will be triumphantly vindicated. Thus it will make its voice heard and will at last have justice done to it.

—Hjalmar Branting, before the Fourteenth Meeting of the Council.

No sooner had Sweden become a member of the League of Nations than she became a participant in the first major dispute brought to the attention of that organization, a dispute which proved the efficacy of the League as an agent of peaceful settlement and which determined a precedent for procedure in cases under its jurisdiction. Unconsciously perhaps, Sweden became a party to conferring upon the Council more power than at the inception of the League Covenant it was realized that it was to have, and this in face of the fact that that country had at the time of its adherence objected to the predominant position of that body. The Aland Islands controversy[1] brought out the great significance of article 11 of the Covenant, the provisions of which gave the League, and more particularly the Council, a general right of mediation, if not of collective intervention.

In settling the Aland Islands question the League of Nations brought to a more or less satisfactory conclusion a Baltic problem which had been a source of considerable irritation ever since 1809. The strategic position of these islands has made them an object of desire and a subject of discussion among the powers of Europe. So long as they remained in Russian hands there seemed little hope of reaching any agreement as to the sovereignty over them, but in 1917

[1] My chief sources of information on this whole question have been the publications of the Swedish Foreign Office, mainly *Alandsfrågan inför Nationernas Förbund*, 3 vols., Stockholm, 1920, 1921. See also *L.N.O.J.*, and the two articles in the *American Journal of International Law* as cited, *passim*, and other references in the bibliography.

the revolt of Finland and the subsequent collapse of the Tsarist régime opened a way toward a final determination of their status.[2]

The Aland Islands had long received the attention of Sweden. Even in the debate on the League of Nations in the Riksdag the opposition had hinted that one of the main reasons why the Government was so desirous of joining the League was its hope that thereby Sweden would have a better opportunity to obtain control over the archipelago. To read a tinge of imperialism into the policy of the directors of Swedish foreign affairs was probably erroneous, but it shows that even at that time the question was a burning one and means were being sought for its solution.

The Aland Islands are a well defined archipelago of about three hundred islands, forming a district of the Finnish government of Åbo-Björneborg. They are situated in the Baltic Sea, at the entrance to the Gulf of Bothnia, between latitudes 59′ 45″ and 60′ 40″ N and longitudes 19′ 30″ and 20′ 30″ E. The western part of the Baltic, extending from the Högsten lighthouse to that of Lågskär, separates the islands from Sweden and is known as the Ålandshaf. To the westward this sea is but twenty-five miles wide, to the eastward it is considerably wider but is dotted with small islands, reefs, and skerries. The largest island gives its name to the group, Aland proper (Fasta Åland); its length is twenty-three miles and its greatest width about twenty miles.

The total area of the island is about 550 square miles. The coast is deeply indented by bays and fjords forming excellent sheltered harbors for small vessels. Of the 26,628 inhabitants, 96.2 per cent are Swedish by descent and language. They are said to have migrated from Roslagen and Daleearlia in Sweden, but at what period is unknown. Mariehamn, on the southern coast of Aland, is the only town and numbers about 1,250 people.

The history of the islands begins with their occupation by Sweden in the middle of the twelfth century. Some historians say that even in pagan days a Swedish population had set foot firmly on Aland and

[2] I know that this whole case has been very well covered by a number of writers especially at the time when the issue was most prominent. The many references in the bibliography dealing with this question are an indication of that. However, it is an essential part of this treatise as well, not only as an incident in Swedish foreign affairs of recent years, but also as indicative of the way in which Sweden has cooperated with the organization we saw it affiliate with in chapter two.

the neighboring islands, and it is probable that the earliest inhabitants who have left any traces on the islands were of Swedish extraction. The name Aland is Swedish, apparently meaning sea-land.

The early history of the islands is essentially the same as that of Finland. Swedish control over both dates from the Peace of Nöteborg (1323). The territory was incorporated into the Swedish kingdom but was not treated as a conquered province. The government was enlightened and sympathetic and in 1362 the Finns were allowed to take part in the elections to the Swedish throne. The period of Danish ascendancy during the Union of Kalmar (1397–1523) saw apparently no change in these conditions. In short, Finland, though constituted a Duchy in 1284, and a Grand-Duchy in 1581, and preserving a certain unity of its own with a considerable degree of local autonomy, remained for more than six centuries an integral portion of the Swedish dominions.[3]

The connection of the Aland Islands with Finland was for a long time somewhat loose and irregular. A Finnish partisan grants that: "At the beginning of their history they formed no part of any other jurisdiction; they had their own general assembly and their own laws." In the Middle Ages they were a separate fief of the Crown; in 1569 they formed a dower-estate for the Queen-Dowager Catherine, and in 1680 they were similarly given in fee to Queen Ulrica Elenora. For long periods the archipelago had a separate governor who depended directly on the prefecture of Stockholm. From the ecclesiastical point of view, the islands formed a part of the diocese of Uppsala. As a rule, however, the islands were combined with Finland for administrative purposes. During the last war with Russia, in 1808, they were for a short time administratively incorporated in the government of Stockholm.

Meanwhile, the wars between Sweden and Russia for the possession of Finland and what used to be known as the Baltic provinces continued. The long struggle was brought to an end in a war which was immediately due to the refusal of Sweden to join the Continental System. She thus incurred the enmity of Napoleon, who, at the Congress of Erfürt in 1808, promised his consent to the incorporation of

[3] For the sake of brevity I have used here the summary in the *Peace Handbook* of the Historical Section of the British Foreign Office, VIII, no. 48. More detailed accounts may be found in any comprehensive Swedish history, in *Ålandsfrågan*, op. cit., I, 3–38, and in the Special Supplement no. 1 of *L.N.O.J.*, 1st year.

Finland in the Russian Empire. In the war which followed, Sweden could make but little resistance; and the whole of Finland, together with the Aland Islands, was speedily conquered. The Aland Islanders made stout remonstrances, nevertheless, and aided by Swedish reinforcements, took as prisoners the Russian troops occupying the islands. Eventually Sweden was forced to cede all of Finland to Tsar Alexander. In the Treaty of Frederikshamn, September 5–17, 1809, the Aland Islands are specifically included in the ceded territories;[4] but it is noteworthy that in the negotiations the Swedish delegation tried until the last to retain Aland, and the treaty makes special mention of the islands as distinct from the government of Åbo and Björneborg. Professor Hamnström, in Foreign Office Paper 409,[5] shows ground for believing that Napoleon had not originally contemplated the annexation of the islands together with Finland and was induced to do so only in order not to alienate Russia during the Austrian war. In the Finnish Diet of Borgå the islands were not represented, having refused to send delegates, and in the same year a member from Aland sat in the Swedish Diet.

With the Treaty of Frederikshamn began the period of Russian domination, which lasted until 1917. During most of this time the history of the islands was uneventful. They shared with Finland the vicissitudes of a vacillating Tsarist régime. The Russians had used them as a naval station in the war with Sweden and were not unaware of their strategic importance; hence they erected a fortress at Bomarsund. In the Crimean war these fortifications were knocked to pieces by the British fleet and in 1856 a special convention was signed between Great Britain, France, and Russia, stipulating that the "Aland Islands shall not be fortified, and no military or naval establishment shall be maintained there."[6] By article 33 of the Treaty of Paris signed the same day (March 30, 1856), it was agreed that this convention should be regarded as a part of the treaty and have the same force as that instrument itself.[7]

For half a century following the Treaty of Paris nothing of importance seems to have happened in, or in connection with, the

[4] F. Martens, *Nouveau Récueil de Traités*, I (1817), 23, 24.

[5] *Peace Handbook*, op. cit., 14.

[6] Martens, *op. cit.*, XV, 788–790. See also E. Hertslet, *Map of Europe by Treaty*, II, 1272–1273.

[7] Martens, *op. cit.*, 780; and Hertslet, 1264.

islands. But in 1906 the Russians again began to contemplate the possibility of fortification. In that year a garrison of 750 men was established and in 1907 the Russian Government, taking advantage of the negotiations leading to the Anglo-Russian Entente, requested France and Great Britain to cancel the clause of the Treaty of Paris which prohibited fortification. Little success met the Russian desires although Germany had been more kindly and in a secret treaty of 1907 gave Russia a free hand in the islands.

The rumors of these projects seriously alarmed the Swedes and early in 1908 a unanimous protest was made in the Riksdag. The matter was taken up in the English press; and a question was asked in the House of Commons which brought the declaration from Sir Edward Grey that Great Britain was opposed to the Russian moves.[8] Nevertheless, when the world war broke out, the Russians lost no time in fortifying the Aland Islands, being careful to assure the Swedish Government that the fortification was only temporary. Sweden was apprehensive, however, especially as at that time there was considerable Swedish pro-German sympathy and a Russian stronghold within twenty-five miles was rather uncomfortable to those advocating German support. There were no objections from the allied powers, however, nor from the other states, so Russia was allowed to maintain her position. Agitation continued in Sweden in spite of reassuring notes from the Russian Foreign Office. The Russian Revolution finally removed the danger from that country but the question of the Aland Islands, now no longer one of mere fortification, became acute.

The interest of Sweden in the islands was revived by the Bolshevik revolution and the consequent disintegration of Russia. Not only was there fear of the "Reds" but sympathy began to be expressed for the Aland islanders themselves who now entered on the scene. Recognition of the historical background just outlined decisively influenced the formal consideration of the desires of the population of the archipelago as presented at this juncture. So long as Finland and the Aland Islands remained within the Russian Empire such appeals could not of course be made. But as soon as the opportunity presented itself these peoples were not reticent about making their desires known. Coincident with the declaration of independence by Finland, and supported by the principle of national self-determi-

[8] *Peace Handbook*, op. cit., 20.

nation, the Alanders gathered, expressed their right similarly to determine their own destiny, and declared their wish to be reunited with Sweden.

Even before the step taken by Finland to throw off the Russian yoke, these people met in a communal assembly to consider the question of adherence to Sweden.[9] After discussion, four representatives were chosen, with instructions to "convey to the Swedish Government and the Riksdag the lively desire felt, for special reasons, by the people of Aland, that the islands may be incorporated with the Kingdom of Sweden." At the close of 1917 a plebiscite was held in the islands at which 95 per cent of the adult male and female inhabitants voted in favor of this step.[10] An appeal signed by 7,135 inhabitants "to the King and People of Sweden" was accordingly drawn up, in which the islanders, after declaring that their devotion to Sweden, so apparent in the war of 1808, had in no way been abated by the treaty of 1809 or any succeeding events, stated their grounds for reunion, and ended by expressing to the King, personally, the hope that a solution of the difficulty might be found "in concert with a free and independent Finland."[11]

This petition was presented in Stockholm by a deputation headed by the mayor of Mariehamn, on January 2, 1918. The King in his reply reciprocated the desire and took note of the hope expressed by the petitioners that a solution might be found in accord with the Finland precedent.

In the meantime the Swedish Government, aware of the movement in the islands, had sent a note to the governments of Germany, Austria-Hungary, and Turkey (December 23, 1917) requesting that the Aland question be considered in the negotiations at Brest-Litovsk, "in order to safeguard vital interests of Sweden in those islands." All this was occurring while agitation was being carried on in Sweden to have the government take steps to occupy the islands. In anticipation of such a move a Bolshevik force was landed in the territory and was joined by some of the "Red Guards" from Finland. Outrages

[9] *Ålandsfrågan*, I, 7, and annex 4, 47.

[10] *Ibid.*, 9, and annexes 5 and 5*a*, 49 *passim*.

[11] *Ibid.*, 9. The independence of Finland, claimed on December 6, 1917, was recognized by the Soviet Government on January 4, 1918, and by Sweden on the same day. The latter country later held that this was merely a recognition of independence and did not imply a determination of the territorial extent of the new state.

were committed on the inhabitants; succour was demanded from Sweden; and the Swedes, acting on humanitarian motives, sent a military expedition to protect their co-nationals there. They forced the Russians to retire; but shortly afterwards, the "Whites" in Finland having implored aid from Germany, German troops landed on the mainland and later occupied the islands. The Swedes thereupon withdrew, but the German troops remained until late in October, 1918.[12]

Sweden was not invited to participate at Brest-Litovsk, but it was agreed that the fortifications on the Aland Islands were to be removed as soon as possible and a special agreement as to their permanent non-fortification was to be made by Germany, Russia, Finland, and Sweden; the other Baltic powers also to be consulted. Provisions for this were included in the Brest treaty and also in a Fenno-German agreement of March 7, 1918. Later it was announced that the demolition of the fortifications was to take place but a long exchange of notes prevented immediate action in this regard.

In the meantime the Finnish Government was taking steps to ensure its position in the islands. On March 9, 1919, it issued a decree declaring its intention of forming them into a separate province under a civil and military governor. The Finnish Government, instead of conciliating the islanders by giving them some degree of autonomy by this step aroused their further concern. They immediately addressed another appeal to the Senate of Finland, the King of Sweden, and the Emperor of Germany. This was in the form of a telegram and reminded those addressed of the promise made by Germany, together with other belligerent states, "that the peoples liberated by the war from their political dependence should have the right to decide for themselves their future lot." They pointed out that large parts of the former Russian Empire had been granted this right, and that Finland had herself recovered her liberty in this manner. A desire to be united with Sweden was reaffirmed. The Finnish Government replied that it was necessary to issue a grave warning against any action inconsistent with the integrity of Finland, inasmuch as such action could not be tolerated.[13]

During the summer of 1918 the Swedish Government undertook negotiations with Finland based on a support of Finnish aspirations

[12] *Peace Handbook*, op. cit., 22 *passim*.

[13] *Ibid.*, 25–26.

for territory toward the east in return for an acknowledgment of the Alanders' demand for self-determination.[14]

On November 9, the islanders resumed their pleas, this time in the form of a letter in the name of the Landsting of the islands, and addressed to the executive heads of the United States, France, Great Britain, and Italy, asking them to consider at the Peace Conference a solution for the Aland question in confirmation with the already expressed desires of the people, and that the inhabitants in a fully impartial plebiscite again be permitted to express their wishes.[15] In acknowledgment of this presentation the Swedish Government in the same month instructed its minister at Helsingfors to notify the government of Finland of its desire that that country should meet the demands of the island population.

A series of notes were exchanged between Sweden and Finland but there was no sign of hope for any change in the situation. Under such circumstances nothing remained for Sweden but to refer the question to the Peace Conference.

As a corollary to the note sent to the principal Allied and Associated Powers, the islanders in January, 1919, sent a delegation to Paris to submit the demand to be reunited with Sweden together with the desire for a plebiscite, the results of which were to be final and binding upon all parties involved.[16] At the same time those islands which previously had wished a division of the archipelago so as to permit certain communes to remain under the sovereignty of Finland, also stated it to be their desire to incorporate with Sweden.

In connection with these appeals the Swedish Government, on April 22, 1919, sent a note to the Peace Conference in which it gave the support of Sweden to the demand of the island population and further gave its interpretation of the whole question and problems connected therewith.[17]

In June, Finland answered the Swedish communication of the preceding year. In this memorandum the Finnish Government, after stressing the geographic and administrative unity of the Aland Islands with Finland, stated that the insistent demand of the people of those islands to join Sweden was due to temporary war circumstances. It also pointed out the extensive personal guaranties enjoyed

[14] *Ålandsfrågan*, I, 11.
[15] *Ibid.*, and annex 6, 55.
[16] *Ibid.*, 13, and annex 7, 57.
[17] *Ibid.*, and annex 10, 65 *passim*.

by the large Swedish-speaking population of Finland proper as well as the additional steps the government was contemplating to still further make this element secure. The separation of the islands would meet with great opposition not only by the Finnish people but also by the many Swedes in that country. Finland was ready to enter into negotiations with Sweden in respect to the military position of the Aland Islands but nothing more.[18]

In answering the Finnish note, the Government of Sweden held that for Sweden the principal point at issue was the right of the native population to determine its own fate according to the well defined principle of national self-determination. It could not agree with the Finnish position as to the historical background and could not rightfully negotiate until the demands of the islanders had been answered. Unless Finland could meet the Swedish position the Government of the latter country deemed it best to leave the matter for a solution by the Peace Conference.[19]

During this Fenno-Swedish exchange of notes another communal assembly had been convened in Aland upon the insinuation by Finland that the former demands were not representative of a majority of the people of the islands. At this assembly (June 1, 1919), in which the delegates from thirteen of the fifteen communes participated, it was decided to give every inhabitant an opportunity to voice his views on the question. Accordingly lists were sent to all the communes for signatures of the voters. These were circulated and the results showed that out of the 10,196 men and women eligible for voting, 9,735 favored adherence to Sweden.[20]

In the middle of May the Peace Conference appointed a committee to deal with questions of the Baltic including those involving Finland. To the chairman of this commission the Alanders in July submitted a report which was, however, not made public. Shortly afterwards, the Swedish Government was asked to give its viewpoint before the Supreme Council of the Allies. This was done in an extensive report which was put in the hands of the Baltic Commission.[21]

About this time a speech by M. Clemenceau in the French Chamber of Deputies caused a great deal of comment in the interested

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[18] *Ålandsfrågan*, I, 13 and annex 11, 71. [19] *Ibid.*, 15, and annex 12, 79.

[20] *Ibid.*, 17, and annexes 13, 14 and 15, 93–97.

[21] *Ibid.*, 19, and annex 17, 103. See also *L.N.O.J.*, 1st year, supplement 1, no. 45.

countries. The French President of the Council expressed as his hope that the reunion of the islands with Sweden might soon be effected. This statement was greeted throughout the archipelago with the greatest of satisfaction and a telegram was despatched from the Landsting to Clemenceau. The Swedish minister in Paris was also instructed to express the appreciation of his government to the French statesman.

In the autumn of 1919 Finland decided to introduce a certain amount of autonomy in the islands. This was immediately opposed by the population which desired no favors from a "foreign" government. In an exchange of notes in October and November, 1919, and February, 1920, the islanders maintained their stand.[22]

The continued postponement of the settlement of the question was causing growing uneasiness and unrest on the archipelago, and the Swedish Government repeatedly endeavored to bring the matter to the immediate attention of the Supreme Council as well as the powers participating therein. The agitation on the islands continued and in May, 1920, a delegation consisting of members of the different communes and the Landsting appeared before the King of Sweden and the Council of State and urged that action be taken. Sweden reassured the deputation and within the next few days their appeal was forwarded to the representatives in Stockholm of the United States, France, Great Britain, Italy, and Japan, as well as to the leaders of the different parties in the Riksdag. This renewed demand on the part of the Alanders brought immediate remonstrances by the Finnish government against the support given to it by Sweden. On June 4 the Finnish minister in Stockholm submitted a note which refuted the action of Sweden and declared Finland to be opposed to all pretensions not compatible with Finland's sovereignty over the islands.[23] On the same day the Finnish ministers of State, War, and Commerce came to Mariehamn and met in conference with representatives of the native population. A rather heated discussion ensued, in which Mr. J. Sundblom, one of the island editors, made statements which resulted in his arrest, together with another prominent citizen, Mr. C. Björkman. Following this action three companies of Fenno-speaking infantry, among them one company of machine guns, were stationed in the islands.

[22] *Ibid.*, 19, and annexes 19, 21, 22, 123–135.

[23] *Ibid.*, 23, and annex 27, 151.

These drastic steps occasioned a heated exchange of notes between Finland and Sweden[24] in which the former held the whole question to be a strictly domestic situation and hence resented the action of Sweden in the matter. The Swedish minister to Helsingfors was recalled and the atmosphere was tense. The seriousness of the situation was felt in other circles besides the particular countries involved, and on June 19, 1920, the matter was officially brought to the attention of the League of Nations by Great Britain. In a letter to the Secretary-General, Lord Curzon of Kedleston says:[25]

> I desire in exercise of the friendly right conferred by Article 2 of the Covenant of the League of Nations, to bring to the attention of the Council of the League the case of the Aland Islands, as a matter affecting international relations, which unfortunately threatens to disturb the good understanding between nations upon which peace depends.
>
> I do not take this step without having informed the two Governments, Sweden and Finland, of my intention to do so.

At the Seventh Session of the Council of the League of Nations, at London, July 9–12, 1920,[26] the Aland question was accordingly taken up. Mr. Balfour presided, and Finland, although not a member of the League, was permitted to sit at the meetings in a position similar to that of Sweden. Statements were heard from the representatives of Sweden and Finland, and of the island population. The Finnish representative, Mr. Enckell, claimed that the demands made by Sweden with regard to the Aland Islands arose out of a matter which by international law was solely within the domestic jurisdiction of Finland. It affected, in short, the sovereign rights of Finland. Mr. Branting disagreed with this and pointed out that the question, even if it originated from internal circumstances, which he did not admit, might have external consequences and thereby become of an international character. Both parties agreed that it was desirable that all international obligations concerning the islands should be maintained and Sweden added that a further neutralization might be effected.

There was thus at first a purely legal question presented for solution. The Council, therefore, decided unanimously, the representatives of Sweden and Finland adhering, upon the following resolution:

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[24] *Alandsfrågan*, I, 25, 27, and annexes 29, 30, 31, 153–157.

[25] *L.N.O.J.*, 1st year, 250. See also C. N. Gregory, "The Neutralization of the Aland Islands," *American Journal of International Law*, XVII (1923), 63.

[26] *L.N.O.J.*, 1st year, 246–250.

That a commission of three international jurists shall be appointed to give to the Council on the following questions an advisory opinion with the least possible delay.

1. Does the Swedish case, as presented by the Council, on the question of the Aland Islands, arise out of a matter which by international law is solely within the jurisdiction of Finland, within the meaning of paragraph 8 of article 15 of the Covenant?

2. What is the present state of the international obligations regarding the demilitarization of the Aland Islands?

The Council authorized its acting president to nominate and appoint the members of this commission of jurists. Acting on behalf of the Council Mr. Balfour invited the following persons to form the commission: M. Larnaude, Dean of the Faculty of Law at the University of Paris; Dr. Struycken, Councillor of State at The Hague; and Dr. Huber, Councillor of the Political Department, Berne. M. Kaeckenbeeck, from the legal section of the Secretariat, was to act as secretary to the commission.[27]

The committee of jurists met at Paris on the third of August and held its meetings in the "Salle des Actes" of the Faculty of Law at the University of Paris. It completed its task on September 5, and adopted a report which is printed as Special Supplement 3 of the *Official Journal*.[28] This report held that the dispute did not depend exclusively upon the territorial sovereignty of a state, that it arose from a *de facto* situation caused by the political transformation of the islands, whose inhabitants invoked the principle of self-determination, and from military events occurring when Finland separated from Russia, but was not yet a definitely constituted state; that, therefore, the question was not one left by international law to the domestic jurisdiction of Finland. The Council was therefore competent, under the Covenant of the League of Nations, to make any recommendations it deemed just and proper in the case.

The jurists further held "The provisions of the convention of the Treaty of Peace of March 30, 1856, concerning the demilitarization of the Aland Islands[29] are still in force"; that these provisions were "laid down in European interests" and "constituted" a special "international status" for these islands; and that, till they were replaced, every interested state could insist upon compliance, and

[27] *L.N.O.J.*, 1st year, 345.

[28] *Ibid.*, Pt. II. Also annex 4 of *Alandsfrågan*, op. cit., 235–279.

[29] *Supra*, 287, notes 6 and 7.

the state in possession must conform to the obligations they imposed.[30]

In their *obiter dictum*, declaring the competence of the Council to take any action it saw fit, the jurists established a precedent which gave a firm footing to article 10 of the Covenant in which provision is made for the taking of such action by the League, particularly the Council, that may be deemed wise and effectual in safeguarding the peace of nations.

The report of the commission was studied at the Ninth Session of the Council, at Paris, September 16–20, 1920. Mr. H. A. L. Fisher presented a discussion of the advisory memorandum and proposed the following resolution:[31]

> The Council of the League of Nations having been invited by Great Britain to examine the question of the Aland Islands.
>
> Having considered the advisory report, furnished at its request, of a Commission of Jurists,
>
> Recognizing the duties imposed upon it by articles 11 and 4 of the Covenant in the supreme interest of peace between nations . . .
>
> *a.* Declares itself, in accordance with the conclusions of the report, "competent to make any recommendations which it deems just and proper in the case.
>
> *b.* And appoints Messrs. to furnish the Council, in the shortest time required for the necessary consultations, and having regard to the legitimate interests of all parties concerned, with a report which will enable it to frame a final or provisional settlement of the question and to establish conditions favorable to the maintenance of peace in that part of the world.

The commission of rapporteurs proposed in Mr. Fisher's resolution was appointed at the Tenth Session of the Council, at Brussels, October 28, 1920. It consisted of Baron Beyens, former Minister for Foreign Affairs in Belgium; M. Calonde, former President of the Swiss Confederation; and M. Ferraris, Senator, who had represented Italy on the Council. At the same time Mr. Balfour presented a report in which it was stated that the Aland Islanders had incorrectly interpreted the data supplied by the commission of jurists. They had assumed that, inasmuch as the report of this body had judged the question international in character, this ruling recommended the extension to the Alanders the right of self-determination. On this point the commission had not offered an opinion as it confined its work to legal and not to political matters. At the time of the appointment of the rapporteurs it had been thought well to

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[30] Gregory, *op. cit.*, 64.

[31] *L.N.O.J.*, 1st year, Pt. 11, 396. See also *Alandsfrågan*, op. cit., 281–287.

include a member from the United States. Mr. Abraham Elkus, former ambassador of the United States to Constantinople, was chosen by the Government at Washington to represent that country. His health interfered with his attendance and his secretary, Mr. O. L. Milmore, served for him.

The commission of rapporteurs heard at length the representatives of the nations involved and of the people of the archipelago. They further proceeded to Finland, Sweden, and the Aland Islands themselves, and investigated all the facts bearing on the matter disputed. The Governments of Sweden and Finland were very helpful in putting at their disposal a mass of documents, maps, and other information and accorded them the most courteous treatment throughout. The report of the commission was published at Geneva, April 16, 1921, and contained a description of the islands, a summary of their history, the jurisdiction of the League, and provisions for the demilitarization and neutralization of the archipelago.[32]

The rapporteurs held that the primary question, which no considerations could brush aside, was a legal one, that of Finland's right of sovereignty over the islands. They found that the Grand Duchy of Finland was an autonomous state under the Russian régime with all the attributes of sovereignty except the direction of its foreign policy and national defense. Its boundaries were clearly defined and although there were violations of the Finnish Constitution by Russia, those usurpations were not complete nor were they recognized by the Finns. The Kerensky Government recognized the autonomous position of Finland and that country later declared its independence and became sovereign and as such it was finally recognized by the Soviet Government. Hence no new state was formed but the birth of Finland was coincident with her declaration of independence. The islands formed a part of Finland and that country's sovereignty over them was incontestable; to detach them would be an alteration of the status of Finland and a deprivation of what belongs to her.[33]

The commission then searched for adequate reasons and sufficiently weighty considerations for the modification of that situation and for

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[32] *Ålandsfrågan inför Nationernas Förbund*, II *Den av Nationernas Förbunds Råd tillsätta Rapportörkommissionens Utlåtande* (Stockholm, 1921), 1–193. See also the *Monthly Summary* of the League of Nations, I, no. 2, 18 *passim*, and Gregory, *op. cit.*, 65 *passim*.

[33] *Ålandsfrågan* II, *op. cit.*, 79–89.

granting the Alanders the plebiscite which they desired. They held that the right of free self-determination is not a rule of international law and was not incorporated into the Covenant of the League of Nations. The example of Finland was not in point as she was an autonomous state. A small fraction of a people, a minority, could not be put on a footing with an entire nation. Finland was oppressed by Russia, but the Alanders had suffered no maltreatment from Finland. The cases were in no way parallel. They held further that a minority of the people of a state, definitely constituted and capable of performing its duties, had no right to separate itself or to declare its independence. Such a rule would destroy order and stability and inaugurate anarchy, and all the arguments of history, geography, and politics militated in favor of the *status quo*. Three hundred fifty thousand Swedes in Finland were opposed to the separation of the islands. A division would create a great and lasting bitterness between these people and the Finns. The strategic interests of the two countries were about equal, but there was no reason why those of Finland should be sacrificed and those of Sweden given precedence. The islands were a menace to neither, unless they should fall into the hands of a great power. The service of Finland in repelling the Bolsheviks should not be forgotten. Had she failed, Scandinavia would have been menaced. She ought not to be despoiled and humiliated and alienated from her neighbors. It was in the interests of all to hasten the consolidation of these states. Finally, Sweden consented to submit the dispute to the League and must bow with good grace even to a hostile opinion and persuade the Alanders to accept the decision without too much complaint.[34]

The islands could not be given their independence having no capacity to survive such status or bear the expenses incident thereto. Any transitory arrangement would prove unsatisfactory and merely prolong the difficulty, and a final solution was in order. Some guaranties ought to accompany the autonomy granted by the Finnish Diet. It was right to permit the Swedish language to continue to be taught in the schools; the right of preemption should be accorded the communes and their inhabitants in view of the probable future of the islands as shipbuilding centers. The commission recommended that the franchise be granted to newcomers only after a stay of five years;

[34] *Ålandsfrågan* II, *op. cit.*, 91–115; Gregory, *op. cit.*, 69–70.

that the governor of the province be appointed from three candidates nominated by the Council of the islands. If Finland did not grant these guaranties, the commission would be forced to advise the separation of the islands from that country on the wishes expressed by a plebiscite in the interests of the islanders and of a durable peace in the Baltic.

The commission said further that if difficulties and disagreements as to the application of the guaranties arose, the Council of the League of Nations should intervene and put an end to them; that the right to approach the Council might be reserved, not to the islanders, but to each of the three Scandinavian states; and that if, as impartial mediators, they could not settle the difficulties, Finland and the islanders should have recourse to the International Court of Justice.[35]

The earlier report of the commission of jurists had amply established that the Convention of Paris was still in force, that the same had been created in the interest of all Europe, and had given the islands an international status.[36] The commission of rapporteurs found the restriction imposed by that treaty inadequate inasmuch as the same had been violated by Russia immediately upon the outbreak of the world war. The commission held that an international guaranty should be demanded against the violation of the neutrality of the islands. Its members advised for that purpose a treaty in which not only Finland and Sweden should join, but also Denmark, France, Germany, Great Britain, Italy, and Poland, and that a place should be reserved therein for Rusisa when her government was recognized; they said that Finland was not opposed to such neutralization and that they should reject the proposal of settlement by a plebiscite. It was recommended that the mentioned treaty should be negotiated by the enumerated states under the auspices of the League of Nations; that the League should be given the task of assuring its execution. It should be ready to speak to the signatory powers if the state in possession failed to observe its stipulations. In case of war, they should intervene at the request of the League to enforce respect for such neutrality.[37]

At the Thirteenth Session of the Council, June 17–28, 1921, the report of the commission of rapporteurs was considered.[38] At that

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[35] *Ålandsfrågan* II, 125.

[36] *Supra*, 295.

[37] *Ålandsfrågan* II, *op. cit.*, 115–139.

[38] *L.N.O.J.*, 2d year, 691–705.

time severe objections were raised against it by Mr. Branting, who pointed out the divergence in it from the previous memorandum of the commission of jurists. In response it was shown that the resolution of the Council based on the latter report was laid upon the conclusions in the report and not upon the report as a whole. After continued discussion the Swedish delegate declared that his Government insisted that the questions of the sovereignty and the neutralization of the islands were inseparable. The desire of Mr. Branting to have a further examination of the matter by the jurists was declared unnecessary and after hearing more statements from the different representatives, the Council on the twenty-fourth of June, 1921, adopted a draft resolution recognizing the sovereignty of Finland over the islands, recommending an international convention as advised by the rapporteurs, and providing for a diplomatic conference as suggested.[39]

On behalf of the Swedish Government Mr. Branting then expressed his disappointment at the resolution of the Council. In supporting the cause of the people of the Aland Islands before Europe and the League of Nations, Sweden had not been influenced by a desire to augment her territory. She had only wished to support noble and just aspirations and to defend the right of a homogeneous island population to reunite itself with its mother country. The Swedish Government had hoped that an institution which was established to assist in the realization of right in international relationships would have favored a solution of the question in conformity with the principle of free self-determination, which, although not recognized by international law, had received so wide an application in the formation of the new Europe. That the Council had frustrated this hope was a disappointment. However, Sweden was ready loyally to recognize the decision of that body.[40] The Finnish representative, Mr. Enckell, also accepted the decision of the Council.

The question of guaranties was decided in an agreement between the delegates of Sweden and Finland with the assistance of M. Paul Hymans, representing the Council, and was annexed to the resolution of June 24.[41]

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[39] *Ålandsfrågan* II, 699; *Ålandsfrågan* III, *Altstycken till Frågans Behandling inför Förbundets Råd*, 85–87.

[40] *Supra*, 284.

[41] *L.N.O.J., op. cit.*, 701–702.

The resolution mentioned above concluded with the following decision:[42]

> An international agreement in respect to the non-fortification and the neutralization of the Archipelago should guarantee to the Swedish people and to all the countries concerned that the Aland Islands will never become a source of danger from the military point of view. With this object the Convention of 1856 should be replaced by a broader agreement, placed under the guarantee of all the Powers concerned, including Sweden. . . . . The Council instructs the Secretary-General to ask all the Governments concerned to appoint duly accredited representatives to discuss and conclude the proposed Treaty.

With a view to fulfilling these instructions Sir Eric Drummond first communicated with the Governments of Finland and Sweden and with that of Great Britain, the former as parties to the Aland dispute and the latter as the state which had brought the matter to the attention of the League of Nations and as a signatory to the Convention of 1856. A suggestion of the Swedish Government as to the powers which should be invited to the proposed conference was approved by the other countries with the addition of Estonia and Latvia, suggested by Great Britain. The powers invited to send representatives to the conference were Denmark, Estonia, Finland, France, Germany, Great Britain, Italy, Latvia, Poland, and Sweden. Delegates of these ten states met at Geneva, and after discussion signed a treaty upon the lines indicated in the resolution of the Council. This treaty is comprised in ten articles covering some four pages.[43]

In the agreement Finland "confirms the declaration of Russia in 1856 as to the Aland Islands" and "undertakes not to fortify the part of the Finnish archipelago called the 'Aland Islands'." These islands are defined and no military or naval base or other installation utilized for war purposes is to be maintained or created in the said zone. No war forces of any power shall enter or remain in the zone described although in time of peace Finland may send there such forces as shall be necessary for the maintenance of order. Warships are allowed the right of innocent passage, but in time of war the territory mentioned shall be a neutral zone and "shall not directly or indirectly, be used for any purpose connected with military operations." In wars affecting the Baltic states, Finland may protect this neutrality by mining above territorial waters and by such measures as are strictly necessary after having duly notified the Council of the League of Nations.

[42] *Ibid.*, 1081. [43] League of Nations *Treaty Series*, IX, 211 *passim*.

The High Contracting Parties agree to communicate with the Council in case of non-maintenance of the Convention, and to assist in the measures of the Council to suppress any violation thereof. The agreement is to continue despite any changes in the present *status quo* of the Baltic. The Convention was to come into force for each signatory power at the time of the deposit of its instrument of adhesion. Ratifications were deposited and the treaty registered April 6, 1922. Final ratifications ensued September 9, 1922.[44]

In respect to the settlement of the whole question the following quotations might be of interest:

> The Convention for the neutralization of the Aland Islands is an admirable piece of work, ... which closes a chapter of the exertions of the League to the gratitude of everyone. . . . . By means of it . . . . the hindrance of good relations between nations in that part of the world has been definitely and finally removed.[45]
>
> In the case of the Aland Islands . . . . our decisions have everywhere been accepted, have been observed, and have at least avoided bloodshed.[46]

In the *American Journal of International Law,* Mr. Gregory points out the importance of the settlement arrived at in the field of international law.[47]

> The result of the determination as to the Aland Archipelago it is believed is in the highest degree salutary on one point at least, namely, the limitation of the right of free self-determination, a toxic principle, which, unlimited and unrestrained, threatened the integrity and menaced the welfare of all nations, and thus of all men. . . . . The doctrine of the right of free self-determination as applied to the minor part of a nation has been very properly rejected, but with reservations in case such a minority is suffering wrongs and injustice. . . . . Such rights must be regarded with great solicitude by all established powers.

The typewritten statement which was circulated with the printed report of the commission of rapporteurs says:[48]

> Almost every question likely to arise in such a dispute has arisen in this case, notably the bringing up of the case by an outside nation, the status of a nation not represented on the Council, the status of a state not even a member of the League, the method of handling a purely legal problem, and finally, the political action to be taken after the legal problems have been decided. The case well illustrates both the new kind of procedure introduced into international relations and the impartial, careful way in which the League is able to function.

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[44] League of Nations *Treaty Series*, IX, 211 *passim*.

[45] Lord Robert Cecil in the Fifth Plenary Session of the Third Assembly, September 6, 1922.

[46] G. Hanotaux in the Eighth Plenary Session of the Third Assembly, September 9, 1922.

[47] *Op. cit.*, 74–76. [48] *Ibid.*, 75.

I have gone into this question rather fully because it brought to a conclusion a matter long an object of concern in Swedish foreign affairs. It settled perhaps for all time to come the eastern boundaries of Sweden. Although its solution was not in accord with the wishes of many Swedes, the spirit in which it was accepted is well worthy of note. Sweden had no bone to pick with Finland. She was merely standing for what she believed to be right and supporting that stand on wholly unselfish grounds. That her position in the whole case has been appreciated is demonstrated by the following quotation from the New York *Times*:[49]

> At any rate the Swedes have done a good deal to rehabilitate the principle of settling disputes by discussion instead of war. Many nations have invoked arbitration lately, but the willingness to let disputes be decided by arbitration always rested on the major premise that our side is right; and if the arbitrators failed to recognize that, so much the worse for the principle of arbitration. The Swedes are not the only people who feel that they have been unjustly treated, but they are seemingly the only people who have realized in recent years that the reign of law must depend on the willingness of the loser to stand by the decision.

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[49] Cited in the *American-Scandinavian Review*, IX (1921), 625.

CHAPTER IV

SWEDEN AS A PROPONENT OF PEACE

From the point of view of the small nations it is an absolute condition of the establishing of any general system for the organization of a stable peace that arbitration, above all, should be the foundation of such a system. . . . . Any system which aims at establishing security and disarmament would necessarily be founded on shifting sands unless it provided for arbitration.

J. E. Löfgren in the seventeenth plenary session of the Sixth Assembly.

Amendments to the Covenant

I have already outlined the steps which were taken by Sweden and the other Scandinavian powers during the latter years of the war to bring about an international organization for peace at the conclusion of that conflict.[1] In the report of the committee of experts appointed by the Crown to examine this problem it was suggested that the international peace conferences be permanently organized, that states be obliged to permit their differences to be submitted to peaceful settlement before taking recourse to arms, that a new permanent court be established, and that a medium for international commissions of inquiry be provided for. When events at Paris prevented any actions being taken upon these proposals, the Swedish Government instructed its delegates to the conference of neutrals in that city to strive for a more complete formulation of the provisions of the Covenant, especially along lines conforming to the suggestions noted above.[2] Although some changes were made in that instrument in accord with the desires expressed by the delegates from Scandinavia, Sweden did not consider these sufficient and in adhering to the League of Nations pledged herself to strive for the inclusion of certain principles which she deemed essential to a permanent organization of peace.[3]

In the consideration of the question of adherence, article 16 of the Covenant was thought particularly objectionable. In this regard I might note that before the war the sanctions of international law were exclusively of a moral order, and, in general, pacifists were convinced

[1] *Supra*, 266–270. [2] *Supra*, 271–273. [3] *Supra*, 281.

that the pressure of public opinion would be sufficient to enforce the observance of engagements between states. Would the same be true for the basic engagements proposed for the League of Nations? These sentiments were also voiced in the Scandinavian proposals mentioned, and foreshadowed the subsequent attitude of an important group of states on the question of applying sanctions, when this matter came for the consideration of the League of Nations. The common desire of the neutral states to give a more juridical character to the new organization was also a determining factor in the attitude of those states on some of the early discussions within the League. It was also only natural for the states that had little to say in the decisions of the Peace Conference to desire an amelioration of the Covenant. This was particularly true of those states that had previously devoted much time to the development of ways and means to prevent a recurrence of the cataclysm just ended and to insure a permanent and stable peace for the future.

Hence it is not surprising to note that during the winter of 1919 and the spring of 1920 the Scandinavian powers continued their co-operation with a view to amending the Covenant. In this respect it is a matter of satisfaction to observe that the Conservative party in Sweden, which had so vehemently objected to Sweden's adherence to the League, put its shoulder to the wheel and worked for the development of the high principles upon which it was founded. The results of the northern collaborations were submitted to the Secretariat of the League and incorporated in the agenda of the First Assembly. Time had not permitted the drafting of a common definite program, and each of the three governments submitted proposals for amendments of and additions to the Covenant. These were very similar in nature and dealt with articles 3, 4, 13, and 16.[4] I shall briefly indicate the viewpoint of the Swedish Government on each of these proposed alterations.

As to article 3 it was thought that the position of the Assembly should be strengthened. In order to do that there should be inserted into the Covenant provisions for annual sessions of that body at a time designated in the Pact. Special sessions should be provided for to be called at the desire of a specified number of members. Article 4 dealing with the composition of the Council, should fix in a more

[4] *L.N.O.J.*, 1st year, 354 *passim*.

precise fashion the distribution of the members elected by the Assembly, providing for a system of rotation which at the same time would insure continuity. In article 13, providing for the submission of certain categories of disputes to arbitration, the word "generally" was used in a manner to make recourse to such procedure less absolute and precise than desired by Sweden. Hence that word should be omitted. Article 16 failed to take into consideration the fact that certain states are so situated that a complete rupture of economic relations, such as necessary in the application of some of the sanctions, would present grave dangers. Hence it would be desirable in some cases to leave to the Council the option of modifying in some measure the obligation upon a member to participate in the blockade.

Besides the changes suggested above, the Swedish and Norwegian Governments favored a reexamination of articles 12 and 15 in respect to arbitration and conciliation. A preliminary draft of an annex to the Covenant, dealing with commissions to be established for this purpose was submitted by the Norwegian delegates.[5]

The proposals of the Scandinavian states did not meet a unanimously favorable reception at the first Assembly. They were referred to the First Committee, dealing with constitutional questions, under the chairmanship of Mr. Wellington Koo. Mr. Koo proposed a subcommittee to study the matter, but this was postponed. M. Viviani proposed that the amendments be no further considered and was supported by Mr. Balfour and others. A vote was registered against this proposal, which engendered hard feelings, particularly on the part of the Argentine delegation. The objections were not so much against the proposals as against the inopportune time at which they were brought forward. A change in the Covenant would involve modification of the Treaty of Versailles, and the League of Nations was as yet too young to attempt anything like that. It was not thought that the organization was by any means perfect, but it was considered necessary that it should have more experience before the very foundation upon which it was established should be altered. The delegates of the northern powers were not radically opposed to the action of

[5] *L.N.O.J.*, *op. cit.*, 358 *passim*. My information here is also taken from *Nationernas Förbunds Första Församling i Genève*, 142–147. This is the first of the annual series published by Kung. Utrikesdepartementet (Swedish Foreign Office) on the work of the League of Nations with particular emphasis on the part played by Sweden. Hereinafter this will be cited as *U.N.F.* 1920, 1921, 1922, etc., according to the year.

the committee. Maron E. Marks von Würtemberg ventured as his opinion that there should be a certain amount of hesitation at the First Assembly in this regard but hoped that they would receive more consideration in the future.

After prolonged discussion on the report of the First Committee, the Assembly at its eleventh plenary session voted that the amendments proposed by the Scandinavian states should not be considered by it at that session, but it recommended that the Council be invited to appoint a special committee to be charged with the consideration of these and other proposals for amendments.[6] In the rules of procedure adopted by the Assembly, provision was made for annual sessions of that body as had been suggested by Sweden; and in the election of non-permanent members rotation and continuity were insured to a certain degree, thus obviating these two demands for changes. The question of economic blockade was to be further considered by a special commission in connection with the whole problem of economic sanctions. Article 36 of the *Statute for the Permanent Court of International Justice* to a certain extent cared for the changes desired in article 13 of the Covenant.[7] By the provisions of this article the Court was given jurisdiction over all cases referred to it by the signatories and that jurisdiction was made compulsory in certain classes of legal disputes[8] if so recognized by the states at the time of their adherence or by later declaration to that effect.

In accord with the decisions of the Assembly, the Council at its Twelfth Session appointed a commission of eleven members to examine the proposed amendments to the Covenant and other relevant matters. An international blockade commission was also appointed to consider the application of article 16 as mentioned above.

At the meeting of the Second Assembly the work of the special committees appointed by the Council was reviewed.[9] In the committee dealing with constitutional questions the Scandinavian proposals

[6] *L.N.O.J., Records of the First Assembly, Plenary Meetings*, 260; *Meetings of the Committees, I*, 68–89; *II*, 331–332.

[7] *U.N.F.* (1920), 4.

[8] Disputes concerning:
a. The interpretation of a treaty.
b. Any question of international law.
c. The existence of any fact which, if established, would constitute a breach of an international obligation.
d. The nature or extent of the reparation to be made for the breach of an international obligation.

[9] *L.N.O.J., Records of the Second Assembly*, 133–138; *U.N.F.* (1921), 4–7.

were again the object of scrutiny. At the thirty-first plenary session the final report was given on the whole question. The changes in regard to article 3 were withdrawn in view of the rules of procedure already adopted. The amendments of articles 12 and 15 were voted down, but the Assembly voiced its approval of the spirit of conciliation and asked the Council to appoint a committee for the purpose of investigating the proposals and with a view to the formulation of a body of rules on the subject. Article 13, which the Scandinavian powers would extend by introducing compulsory arbitration, was allowed to remain intact.[10]

The question of the rules for the organization of the Council occupied much of the attention of the committee. Finally the Assembly adopted further changes in article 4 in line with the recommendations of Sweden. The non-permanent members were to be elected according to a system of rotation, for a fixed period, by a two-thirds majority of the Assembly[11] Throughout her work as a member of the League of Nations Sweden has played a very active part in regard to the composition of the Council. At the outset she was opposed to the too great powers of that body in relation to the Assembly; later she was one of the leaders in securing a system of equitable rotation for the non-permanent members; and finally she took a most decided stand against an unwarranted increase in its membership.

The resolution of the Second Assembly desiring the Council to appoint a special committee to study the problem of conciliation was heeded by that body and the commission selected met at Geneva near the end of May, 1922, and prepared a project which was adopted by the Council in July and submitted to the Third Assembly. The burden of the report suggested that the Assembly adopt a recommendation looking forward to agreements among the members of the League in regard to procedure for conciliation on the basis suggested in the earlier Swedish proposals. According to this plan the position of the Council would not be altered and a dispute might be brought before it if, in spite of the agreed consideration before a special commission, it assumed the threatening character presupposed in article 15 of the Covenant. However, such an eventuality was unlikely, and in most cases would imply a breaking of the obligation to maintain peace under the conciliation procedure. Furthermore, the Council would be able, instead of immediately proceeding to a decision on a dispute,

[10] *L.N.O.J., ibid.*, 821–827. [11] *Ibid.*, 891–894.

to postpone it or return the matter to the conciliation commission for further consideration. In respect to the part played by the Council in conciliation, Mr. Undén, who had acted as the Swedish representative on the special commission of the Council to consider this matter, stated in the Assembly that

> The Council of the League will undoubtedly continue as the chief organ of conciliation. But too many disputes do not allow of the immediate intervention of such a high authority. This tribunal was also perhaps too political in character. It might be preferable to have a more modest organization at hand. The Council ought not to be overburdened with too much detail.[12]

One advantage of the suggested proposal was that it did not involve any alteration of the Covenant.

The recommendations of the special commission and of the Council were carefully gone over in the First Committee of the Assembly and a favorable report by it to the latter body was adopted on September 22, 1922. The preamble of the resolution of the Assembly gives a good indication of the content.[13]

> With a view to promoting the development of the procedure of conciliation in the case of international disputes, in accordance with the spirit of the Covenant, the Assembly recommends the Members of the League, subject to the rights and obligations mentioned in article 15 of the Covenant, to conclude conventions with the object of laying their disputes before Conciliation Commissions formed by themselves.
>
> The organization of these Commissions, their competence and the procedure to be followed before them, shall be freely determined by the Contracting Parties.
>
> The Assembly hopes that the competence of Conciliation Commissions will extend to the greatest possible number of disputes, and that the practical application of particular conventions between States, as recommended in the present resolution, will in the near future, make possible the establishment of a general convention open to the adhesion of all States.

Thus the point for which Sweden as well as the other Scandinavian countries had been striving since their entrance into the League was won. Sweden would have favored an establishment of a general convention as mentioned in the preamble above, as being in closer accord with the original proposal of the Crown. However, it was doubtful if so drastic a step would have received much assent aside from the small states at that time. Through the separate conventions as provided for, development might ensue which would enable a more complete provision at a later date.

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[12] *L.N.O.J., Records of the Third Assembly, Meetings of the Committees*, 1, 14.
[13] *Ibid.*, annex 14, 140–144; *U.N.F.*, 1922, 9–11, 64–71.

Disarmament and Security

When the First Assembly convened in 1920 the question of reduction of armaments was left to the Sixth Committee under the chairmanship of the first delegate from Sweden, Hjalmar Branting. In the meetings of this committee Mr. Branting stated the views of Sweden on this problem. He called the attention of the members to the resolution of Copenhagen of August 30, 1920.[14] Sweden did not consider the present composition of the permanent commission on armaments as satisfactory as it was composed of military experts only. Disarmament was not the work of a day or two. M. Bourgeois and Mr. Fisher had stressed the conditions necessary before progress could be made, and they would wait until the world was in a more peaceful state. But in continuing the old ways progress could never be made. It was important to set to work immediately, not only because militarism was barbarism, but also because it was then more than ever necessary to reconstruct the world. This task would be impossible if the system of the past, the system of an armed peace, were to be continued. Moral and economic reasons prompted an advance as far as possible in this path which ought to lead slowly, but surely, to disarmament.[15]

> As long as I can remember, and I am now getting to be an old man, the people of my country, and I believe the people of other countries, have been talking about reducing armaments, but right up to the fateful year 1914 not only was nothing done, but armaments continued to be loaded on to the shoulders of the peoples of all countries, not only reducing their comforts, but increasing the risk of war. Here we have, it seems to me, the declaration of a principle that armaments shall be reduced proportionately to the money spent, that is to say, that you should spend less money on armaments. There is only one way by which you can get guns, ships, torpedoes, aircraft and all the other devilment of war, that is by spending money on them. Let us declare that we will spend less money on making them.[16]

At the Second Assembly Mr. Branting was again chairman of the committee which had under its jurisdiction the question of armaments. The committee offered a whole list of resolutions having as its purpose the passing beyond the stage of mere enunciation of princi-

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[14] *L.N.O.J., Records of the First Assembly, Minutes of the Committees,* II, 328; *U.NF.* (1920), 162–163.

[15] *L.N.O.J., ibid.,* 258; *Plenary Meetings,* 502–503; *U.NF.,* 1920, 7.

[16] *L.N.O.J., Records of the First Assembly, Plenary Meetings,* 511–512.

ples to a procedure of actually carrying them out. The most important of these resolutions asked the Temporary Mixed Commission to continue its work and make proposals on general lines for the reduction of national armaments which, in order to secure precision, should be in the form of a draft treaty or other equally definite plan, to be presented before the Council, if possible, before the Assembly of the following year.[17] In the debate on the committee report in the Assembly the Swedish delegate observed among other things that a treaty like this might be best effected by beginning a conclusion of regional agreements with the same end in view. Such procedure would allow due regard to be paid to the differences of situation among various groups of countries; in case of certain groups of states there would be no obstacle to the immediate conclusion of treaties insuring a mutual reduction of armaments. This would constitute a great step forward along the path in which it was desired to induce all peoples to proceed. In other parts of the world it might not yet be possible to conclude such treaties, but that was not a reason for not beginning to create such islands of peace in the world. In this way, the pressure of public opinion would gradually increase in the countries which had not yet felt it incumbent upon them to advance so far in this direction as they had in other directions.[18]

In the Assembly of 1922 the report by the armaments commission was the center of attention in the debates. The nature of the reports of the Mixed Commission was partly the reason for the unusual interest in the question. The first of its proposals looked forward to the establishment of a convention among the states which had not signed the Washington agreements as to naval limitations, and a widening of the principle which had been applied in these treaties. In the permanent advisory military commission a proposal for a convention based on the Washington treaties having for its object a general limitation of naval armaments in respect to tonnage as well as dimensions and caliber of guns had also been worked out. The proposals would thus have a practical value only to those states which, similarly to the Five Powers, owned vessels in the same category. Included among these was Sweden whose tonnage would be restricted to 62,000. A conference was suggested for the purpose of considering the above.

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[17] *U.N.F.*, 1921, 8, 67–68; *Records of the Second Assembly*, 647–649.

[18] *L.N.O.J., Records of the Second Assembly*, 635.

Lack of funds prevented an immediate convocation, however, and it was thought that the matter would have to be referred to a succeeding Assembly.[19]

The other important proposal submitted by the Mixed Commission anticipated a general treaty of security. In this regard the plans of Lord Esher and Sir Robert Cecil had received the most consideration. In the Third Committee, the Norwegian delegate, Mr. Christian Lange, recommended regional agreements and this idea was well received both there and in the Assembly. From the Scandinavian states, however, serious doubts were voiced as to the combination of the questions of security and disarmament. To be sure there was a double necessity of dissolving the risks of war and of reducing the enormity of military expenditures, encouraging the seeking of a swift and effective solution of the whole problem. However, in the words of Mr. Branting,

> I have not concealed my hesitation and even my doubts, shared, I may add, almost unanimously by public opinion in my country, with regard to the desirability of making a general reduction of armaments depend upon the possibility of establishing a general treaty of mutual guaranty, apart from the reasonably precise and indisputably valuable guaranties embodied in the Covenant.[20]

Mr. Branting again supported the establishment of regional agreements.

The Assembly took note of the views expressed and instructed the Mixed and Permanent Commissions to continue their work and asked the different governments to assist by giving their advice with regard to proposals for reduction of land armaments and a treaty of mutual guaranty. As respecting the latter, a general treaty was considered as the most desirable, but partial treaties designed to be extended and open to all countries were also recommended. In the former case the treaty should carry with it a general reduction of armaments. In the latter, the reduction should be proportionate to the guaranties afforded by the treaty.[21]

The steps I have just outlined were really attempts to extend certain principles embodied in the Covenant of the League of Nations. With these proposals the League entered on the phase working toward

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[19] *U.N.F.*, 1922, 14–16.

[20] *L.N.O.J., Records of the Third Assembly, Plenary Sessions*, 274.

[21] *U.N.F.*, 1922, 18–20, 107–119.

the Geneva Protocol which was itself defined as an "effort to close the fissures of the Covenant."

In answer to the inquiry of the League in regard to the proposed treaty of mutual guaranty, the Swedish Government on June 1, 1923, expressed grave doubts as to the efficacy of such a system.[22] Although this response was wholly on the part of the Government, without the consultation of the Riksdag, it was indicative of feeling in Sweden on the question. The new plan went beyond article 16 and took out of the hands of a member the right of itself determining whether it should join in a demand to participate in military sanctions. The guaranties rested upon the supposition that the League would have the universal character and unchallenged authority necessary for a progressive development toward the maintenance of peace. But the League did not have this universal character and it had not demonstrated itself sufficiently strong to make an indelible impression on the solution of a number of the most pressing international problems. A system of guaranties which bound its members to maintain the *status quo* under any circumstances would be combined with great risks. Sweden was, from its geographical position and stable conditions, comparatively secure, and to adhere to such a system would greatly increase the risks of that country's becoming involved in war. The Covenant did not contemplate doing away with all war, and a revision of it, as suggested in these proposals would mean an alteration of the very principles upon which it was founded. The articles in the Pact providing for guaranties should be strengthened, but not in the degree suggested. The Swedish Government regretted that the question of armaments and that of security were being considered as one and that a solution was being sought for both simultaneously. Sweden favored an immediate reduction of armaments upon an unconditional basis, but did not think that the same would be expedited by making it dependent upon adopting guaranties against which a number of states objected.

The Fourth Assembly considered the plan which, since the previous Assembly, had been prepared by the Temporary Mixed Commission. This plan was distributed only two days before the meeting and the delegates were thus only able to give their personal views, not having been advised by their Governments. The discussion in the Third

[22] *Ibid.*, 1923, 195, 198.

Committee, in which the former neutral states took a most active part, centered around the scope and obligations of the system of guaranties. Mr. Branting emphasized that it was extremely important to win respect for the rules already contained in the Covenant before unduly extending them. In the meantime a special committee of jurists had been appointed by the Council to examine the matter in its juridical aspects. Professor Ö. Undén of Sweden was one of the members of this commission, which in its report suggested a number of rather far-reaching changes. The Assembly took cognizance of the treaty of mutual assistance so drawn up and the amendments suggested and again submitted it to the different Governments for their consideration.[23]

When the Fifth Assembly was convened in September, 1924, a sufficient number of Governments had responded to the desires of the League to warrant a more complete formulation of this whole question. The First and Third Committees were assigned the task of drawing up a definite plan based upon the suggestions submitted by the members. In the extended discussion which ensued the Swedish delegates reiterated their stand that the Swedish people did not consider that they ought to accept in advance obligations to extend military assistance to other countries. A feeling of insecurity would result from signing a treaty of mutual assistance such as the plan proposed. While Sweden did not desire to bind herself beforehand to participate in military sanctions she was fully aware of her responsibilities as a member of the League and of the principles of unfailing solidarity which should be the basis of that organization. However, the protocol went further than the Covenant. It contained an obligation to give military assistance against every aggressor; it was applicable to all cases of aggression, not alone to those in violation of the Covenant. Sweden feared that acceptance of the new agreement and adherence to article 36 would prevent signatories from concluding conventions with other states in regard to arbitration and the legal settlement of certain questions. On October 1–2, 1924, the final conclusions of the committees were presented to the Assembly and that body unanimously adopted what became known as the Geneva Protocol. Several representatives, among them those of Sweden,

[23] *U.N.F.*, 1923, 94–98, 138, 199.

emphasized the freedom of action reserved by the states in the consideration of the resolution of the Assembly.[24]

The fate of the Geneva Protocol is too well known to need summation here. I shall merely indicate the attitude of the Swedish Government on the final draft of that proposal.[25] From the beginning Sweden had held that the first prerequisite for the conclusion of any such agreement was its universal acceptance in order to give it any element of authority. Particularly necessary was the adherence to it by the greater powers. The attitude taken by Great Britain and the governments of the Dominions prevented the possibility of acceptance by Sweden. The decision of the Council to postpone the work on the protocol and refer it to still another Assembly further indicated the imperfectness of that document. Furthermore, the political and juridical consequences entailed by adherence prevented such action being taken by Sweden.[26] This was the decision stated by a special commission appointed by the Crown to investigate the legal aspects of the case and the political consequences that would follow upon either consent or refusal to conform with the Geneva proposals.

Although the delegates of Sweden to the Sixth Assembly regretted the fate of the Geneva Protocol and were anxiously awaiting the results of the new negotiations which were to consummate in the Locarno Pact, they did not think that the tendency toward arbitration should be allowed to come to a standstill while the world was waiting for a final scheme. Therefore the Minister for Foreign Affairs, Undén, made a proposal for a system of collective arbitration more elastic in nature than that proposed in the Geneva Protocol. The latter had sought for obligatory arbitration, necessitating a change in the Covenant. Could not a general convention be drawn up, independent of the Covenant, to which countries might adhere, under reservations in regard to disputes of a "vital" nature if they considered these necessary? Although the conclusion of separate arbitration treaties was most satisfactory, the League should not be content to play merely a passive rôle and leave the initiative entirely to the individual states. From the point of view of the small states, the

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[24] *L.N.O.J., Records of the 5th Assembly, Plenary Sessions*, 220; *Meetings of the Committees*, I, 37; II, 28–29; *U.N.F.*, 1924, 64–80.

[25] Contained in the Foreign Office publication, *Betänkande rörande det s.k. Genèveprotokollet* (Stockholm, 1925), 1–148.

[26] *Ibid.*, 7.

setting up of some kind of general system was absolutely necessary. Although the Geneva plan had failed, it had been important in influencing public opinion in favor of adherence to the principle of arbitration. The resolutions of 1924 should enable the League to persevere along the lines indicated. Public opinion was interested and indications pointed to an expectation of a continuation of the League activities with a view to perfecting peace organization. With these things in mind the first delegate of Sweden introduced a resolution requesting the Assembly to ask the Council to submit for the reexamination of a committee of experts this subject contained in the protocol recommended by the Fifth Assembly. This proposal was based on the idea that arbitration has a value of its own and is a thing desirable in itself.[27] The Swedish proposal was similar to one suggested by M. Adacti of Japan and was adopted by the Assembly in principle. The net result, however, was only the adoption by the 1926 Assembly of a recommendation that the members continue to conclude separate arbitration agreements and that thereby perhaps in a more or less distant future a more general convention might be reached.[28] The further work of Sweden along these lines will be discussed under another heading.[29]

Whereas the question of security was the center of attraction in the discussions of the League, considerations as to disarmament were also discussed separate from the main lines of security. The resolution of the Third Assembly, looking toward an international conference for the extension of the principles of the Washington naval agreements to other powers not signatories to those instruments, was carried into effect in September, 1923, when invitations were issued to a number of states to participate in a preliminary gathering at Rome. In February, 1924, the representatives of these states met but divergencies of view prevented any considerable accomplishment.[30] At the same time preparations were made for a disarmament conference which is still under discussion.[31]

While the League was endeavoring to take steps leading to an agreement on disarmament Sweden was herself taking steps with the same end in view from a national standpoint. The struggle over

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[27] *L.N.O.J., Records of the Sixth Assembly*, no. 33, 129–133; no. 34, 20, 39–41, 129; *U.N.F.*, 1925, 73–78.

[28] *U.N.F.*, 1927, 53–54. [29] *Infra*, 322–335. [30] *U.N.F.*, 1924, 87–88.

[31] *U.N.F.*, 1925, 87–88; 1926, 123–126; 1927, 37–61.

military preparedness filled the Swedish political world for many years. In 1920 a motion was introduced in the Riksdag asking the Government to disband the present defense, to cease military training, to dissolve shooting-societies and to prevent individuals from keeping or making arms.[32] In spite of this and similar action and agitation for a change in the military question, nothing was done until 1925 when on May 28 the Riksdag in joint session passed the Government bill for reduction of the army.[33] Previous to this time a large part of the people had not been prepared to accept the program for the reduction of armaments. However, a national defense league had been formed and won support in wide circles, and in 1925 the Government was at last able to secure the passage of legislation more in line with the hopes which the nations were expressing at Geneva.

The World Court and International Law

In the early Scandinavian proposals for an international juridical organization, provisions were included for a new permanent court of justice functioning through a restricted number of members to be elected upon an equal basis. In the instructions to the Swedish delegates to the neutral conference in Paris, the Crown called attention to the work of the northern states in this regard and thought that the organization of such a permanent court should be included in the Covenant and not left to the Council for later consideration. Caution was also desired in order to keep such a court from being political in nature rather than legal. When in January, 1920, the League invited the different governments to submit plans relative to the establishment of a permanent court, Sweden was among the first to do so. In the final statute of the Permanent Court of International Justice the plan drafted by the Scandinavian states played a large part.[34]

The statute was drafted by the committee of jurists appointed by the Council, was examined by the Council and a subcommittee of jurists of the Assembly and the Third Committee of that body, was elucidated by the Assembly, and finally adopted on December 13, 1920. On December 16 it was opened for signatures by the states of the League of Nations and by the states mentioned in the annex to

[32] *Första Kammarens Protokoll*, 1920; n:r 28, March 20.

[33] *American-Scandinavian Review*, XIII, 433.

[34] *Supra*, 274 *passim*.

the Covenant. The seal of Sweden was affixed to the same on February 21, 1921, after ratification on December 31, 1920.[35] Sweden "ratified, approved, and accepted the Protocol together with the Statute thereto attached with all their articles, points and clauses" hence adhering to the obligatory jurisdiction of the Court.

On the secretariat of the committee of jurists which drafted the statute was Mr. Åke Hammarskjöld, an eminent Swedish jurist and a member of the legal section of the Secretariat of the League of Nations. Article 21 of the statute provides for the appointment by the Court of a Registrar, the one responsible official which it has. Under articles 17 to 26 of the rules, the Court elects the registrar for a period of seven years from among the candidates proposed by the members.[36] When early in 1922, the Court met for its preliminary session, the Secretary-General of the League designated Mr. Hammarskjöld with a necessary staff to act as secretary and secretariat to the Court until the registrar, provided for in the statute, had been appointed and until the Court had had time to constitute its own registry. A few days later he was elected to that position and was instructed by the Court to prepare plans for the organization of the registry.[37] The way in which this was done by Mr. Hammarskjöld has brought great credit to the country from which he comes. As registrar he has been the channel for all communication to and from the Court; is responsible for the archives, the accounts, and all the administrative work; and, with the President, signs all the documents of the Court.

We know that at the beginning there was some doubt as to what position would be occupied by the new institution which had been created. Although such procedure for the settlement of international disputes was not entirely novel, there was considerable hesitation as to the scope of its jurisdiction as well as the extent to which states would acknowledge it. The attitude of Sweden in this respect is shown in a speech by Hjalmar Branting in the Fourth Assembly as well as the stand taken by him in the meetings of the Council when the Graeco-Italian dispute was being considered by that body. A

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[35] *L.N.O.J.*, second year, no. 1, 211–213; *Records of the First Assembly, Plenary Sessions*, 436 *passim*.

[36] Antonio S. de Bustamente, *The World Court*, 161–163.

[37] See the article, "Sidelights on the Permanent Court of International Justice," by Mr. Hammarskjöld in *International Conciliation*, no. 232, September, 1927.

committee of jurists had been appointed to examine the facts and legal aspects of the case. In regard to this Mr. Branting thought that all questions formulated by this committee should be referred to the Court for an advisory opinion. Doubt had been expressed as to the exact scope and significance of the obligations laid down in the Covenant. He was of the opinion that it was of the utmost importance that a final settlement of this be left to the Permanent Court of International Justice. Any committee appointed would not hold, in public opinion, the same position of authority and impartiality.[38] It was important for the League to take action. A tribunal had been established under the provisions of the Covenant to care for such disputes. It would bring credit to it and to the League of Nations to settle such complications through the means provided.

The committee of jurists which prepared the statute for the Permanent Court also suggested that the work begun by the Hague Conference toward a codification of international law be continued and completed. This proposal was well received in the committee of the First Assembly under whose consideration it fell. After comments by Lord Robert Cecil, however, it was thought that conditions at the time were not favorable for such work and the matter was postponed.[39]

During the debate in the Fifth Assembly, the Swedish Minister for Foreign Affairs, Baron Marks von Würtemberg, brought forward a proposal that action on the question should be taken by the League. The League should be of very great service in promoting the development of international law by helping to prepare the ground for the conclusion of agreements under it. Any complete codification of international law was probably not possible, at least not for a long time. The improvements suggested were less ambitious. An attempt should be made to build up a system of interstate engagements, particularly in fields where certain main principles of international law were already accepted: questions of the extent of territorial waters, the responsibility of states for crimes committed against foreigners, extraterritoriality, diplomatic and consular immunity, etc. Great vagueness and differences of opinion existed in regard to the details of application of these matters. There should also be an endeavor to reach international agreements in certain fields where there were no

[38] *U.N.F.*, 1923, 89; *Records of the Fourth Assembly, Plenary Meetings*, 138.
[39] *U.N.F.*, 1924, 81.

recognized rules, but where there was a growing need for them or where existing rules did not meet present requirements.

The best method for giving effect to these suggestions would be for the Assembly to invite the Council to examine the situation from an international point of view and to see what might be done. The Council might consider the desirability of setting up a small *ad hoc* body consisting of experts on international law, to study the question, to consider what is being done, and to suggest what might be attempted. Such an organization might get in touch with the most important associations which were then considering ways and means of developing international treaty law.[40]

The suggestions of Baron von Würtemberg were referred by the Assembly to the First Committee in which the Swedish delegate made the following proposal:[41]

The Assembly:

Recognizing the desirability of incorporating in international conventions or in other international instruments certain items or subjects of international law. . . . Requests the Council:

1. To invite the Members of the League of Nations to signify to the Council such items, public or private, ... with the view of their incorporation in international instruments.

2. To address similar invitations to the most authoritative organizations which have devoted themselves to a study of international law.

3. To examine measures to be taken to enable the League to contribute in the largest measure to the development of international law.

This resolution, modified in detail and made more precise, was adopted by the Assembly on September 22, 1924.

At the meeting of the Council in Rome the following December the committee suggested by the Assembly was appointed and a Swede, K. Hjalmar Hammarskjöld, made chairman.[42] This committee held its first meeting April 1–8, 1925, and a second meeting January 12–29, 1926. A questionnaire was drafted which the Secretary-General was asked to submit to the different Governments for an expression of opinion on the problems contained therein. These included: nationality, territorial waters, diplomatic privileges and immunities, the responsibility of a state for acts committed within its territory against a foreigner or his property, the procedure at international conferences, piracy, and the use of sea products.

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[40] *L.N.O.J., Special Supplement* 23; *U.N.F.* (1924), 81–82.

[41] *Ibid., Committee I*, annex 4, 97; *U.N.F.* (1924), 82–83.

[42] *U.N.F.*, 1924, 83.

The work of the committee was reviewed in the report of the Secretary-General to the Seventh Assembly.[43] In the debate that followed in the Assembly as well as in the First Committee it was thought that the scope suggested was too inclusive. The subjects were of too heterogeneous a character to be considered at any single international conference. The Swedish representative maintained that the Assembly and Council should not interfere with the work of the committee at that stage. The committee would render a report within a few months and at that time criticism would be in order. Some of the members of the codification committee who were present supported the view of Baron von Würtemberg and the matter was allowed to rest until such time should come.[44]

In the meantime the circular inquiry submitted to the different governments had been answered and the suggestions contained in the responses were considered by the committee in its session during March and April, 1927. In a series of reports to the Council of the League the work of the commission was reviewed and the subjects considered ripe for international regulation were submitted as well as a proposal regarding the procedure which should be adopted on each of these questions.[45]

These reports were considered by the Council June 13, 1927, and it was decided to request a decision by the Assembly as to the manner in which the work of codification should continue. The Assembly referred the matter to the First Committee, on which Sweden was represented by her Minister for Foreign Affairs, J. Eliel Löfgren. The committee on codification had in its report thought that the following five subjects seemed ready for international agreements:

(1) Nationality, (2) territorial waters, (3) diplomatic privileges and immunities, (4) the responsibility of a state for injuries occasioned within its borders to the person or property of foreigners, (5) piracy.

The Council and the Assembly were of the opinion that of these only numbers 1, 2, and 3 should be included in the agenda of the first conference for codification. The other two items were not considered as having the universal interest or need of immediate action that the first three had. Such a conference should not be held before 1929 in order to give sufficient time for thorough preparation. M.

[43] *L.N.O.J.*, 7th year, no. 44, 37 *passim*; *U.N.F.*, 1926, 109 *passim*.
[44] *U.N.F.*, 1926, 109–110; *L.N.O.J.*, 7th year, no. 45, 32.
[45] *U.N.F.*, 1927, 17–18.

Zaleski, the Polish representative, suggested that the League might sanction the calling of the conference by some one government in order to permit the participation of states not members of the League of Nations. The government might be that of the Netherlands in order to continue the tradition begun at The Hague.

The suggestion of M. Zaleski found little support in the Assembly. The Scandinavian states as well as Belgium and the South American countries held that the conference should be convened by the League and the preperations for it made by that organization. A compromise was reached and a resolution passed to the effect that the conference should be held at The Hague but that the plans for it be prepared by the League. A committee of five members was suggested to work out the plans for a conference, to be held in 1929, on the progressive codification of international law in respect to the three subjects itemized. This committee should first consider the work of the commission of experts and also the suggestions of such learned organizations as the International Law Association, the Institut de Droit International, etc. Heed should also be taken of the work accomplished within recent years by the Pan-American Union. The further activities of the League on this question hardly fall within the domain of my discussion. I might observe, however, that when the budget discussion took place in the Assembly, a Swedish delegate, Mr. Vennersten, moved that an increase be made in the amount allotted for the work of codification. He emphasized the fact that the activities must not be allowed to lapse even temporarily until the committee had completed its work.[46]

Conciliation and Arbitration

I have already indicated something of the part played by Sweden in the endeavors to bring about a more stable organization of peace. We have seen that the Covenant of the League of Nations was not considered by the Scandinavian states to be sufficienty specific as to methods of procedure in peaceful settlement, and that ever since the foundation of the League attention to this omission has been vigorously called by their representatives, particularly those of Sweden and Norway. The point of their criticism has been that the pro-

[46] *U.N.F.*, 1927, 17–23.

cedure ought to offer better guaranties for impartiality in the exposition of divergences, that the investigation of facts should be divorced so far as possible from political considerations, and, above all that there ought to be an opportunity for two disputants to state their cases freely. It is in this light that the recent northern pacts of mediation and arbitration are of interest to us here. They are among the most comprehensive and unrestricted treaties that have been signed by two or more countries as a part of the general peace agreement incorporated in the Covenant which is binding on all members of the League. They are an indication of the extent to which Sweden and the other states of the north have accepted and are actually putting into effect, the principles underlying the League of Nations. More than that, these agreements are a barometer of the trend of foreign policy and public opinion in these countries during recent years. In order to give a better understanding of their significance it may be well to state the main features of the general international system of law of which they form a part, and give a summary of the different kinds of mediation and arbitration treaties which Sweden had previously signed with other countries.[47]

The earlier Swedish conventions for mediation and arbitration, like those of other countries concluded for the same purpose, differed from the ones concluded under the Covenant of the League of Nations in that they did not form a part of any general system of international law. Earlier agreements to arbitrate were generally tacitly subservient to the idea that above anything else stood the self-interest of each sovereign state. In order not to promise too much, exceptions were made for disputes involving a state's "honor, integrity, and vital interests," even in cases where, incontestably, only matters of law were involved. Of this character were the arbitration treaties concluded by Sweden with the United States in 1908, with Belgium in 1904, with Great Britain in 1904, with France in 1904, and with Portugal in 1905.[48]

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[47] On this whole subject I wish to acknowledge my indebtedness to the recent Swedish Minister for Foreign Affairs, J. Eliel Löfgren, who was gracious enough to send me his address, *De Nordiska Förliknings och Skiljedoms Avtalen i deras Ställning till det Internationella Rättsystemet.* This address was delivered before the Swedish Bar Association, June 5, 1926, and published by the Foreign Office in 1927. Mr. Löfgren's summary, "Sweden's New Anti-War Treaties," *Current History*, October, 1927, and the dissertation by Miss Elizabeth Bacon Bates, *Conciliation Commissions under Recent Treaties*, have also been of assistance.

[48] Löfgren, *op. cit.*, 1–3.

Certain treaties of this period prescribed arbitration in disputes involving national interests, although with exceptions for more important subjects and with the same right of each individual state to define them. Of this nature was the Swedish treaty with Brazil in 1909. At times a still wider application of the principle of arbitration was permitted either by stipulating that certain disputes as to law must be arbitrated, no matter how vital the interests involved, as in the Swedish treaties with Switzerland in 1904 and with Spain in 1905, or by requiring that the question, whether of vital interest or not, should be decided by a court of arbitration and not by one of the parties alone. Of the latter type were the treaties with Norway in 1905, with Denmark in 1908, and with Italy in 1911. In each of these conventions, disputes as to fact as well as to law were referred to arbitration, though with the usual withholding of vital interests, but the court was given the authority to decide whether a dispute should be submitted to arbitration or not, if alleged by either party to affect such interests.[49]

Even in cases where it was a question of referring a dispute to conciliation through a special board or committee without obligation to submit to arbitration, there was hesitancy about unrestricted agreements. This type of international investigatory committee for fact-finding purposes, as set up by the Hague Convention of 1907, found its usefulness limited to disputes of a decidedly superficial character. Application to such boards did not bind the parties to keep the peace with each other even while awaiting the outcome of the investigations.

The next step toward organized peace was not taken until shortly previous to the world war when the so-called "Bryan treaties" were negotiated by the United States. These agreements prescribed obligatory investigation in disputes as to both fact and law before a permanent board, which of itself could take the initiative in assigning a dispute to such procedure regardless of whether the dispute involved more or less vital interest. Furthermore, these treaties required the parties to abstain from declaring war or beginning hostilities during such investigation and before the report was submitted. A treaty of this nature was concluded between Sweden and the United States in 1914.[50]

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[49] Löfgren, *op. cit.*, 3.

[50] *Loc. cit.* See also *Foreign Relations of the United States* (1914), 1086–1087. The treaty between the United States and Great Britain for the advancement of General Peace cited in *Foreign Relations of the United States,* 304–307, is illustrative of this type of agreement.

It was first through the Covenant of the League of Nations, however, that a general system was recommended with obligatory mediation as a fundamental principle and the preservation of peace as the main goal. The gist of the mediation requirement is that, wherever diplomatic methods have been tried and found wanting, an attempt at conciliation according to a definite formula is obligatory whenever the dispute is liable to cause hostilities between states which are already members of the League or between one of them and an outside power. The mediation and conciliation procedure specified in the Covenant is a principal function of the League and is, therefore, not to be exercised through special boards, but by the Council itself, or, in a subsidiary manner by the Assembly. The method, on the other hand, is only superficially indicated in the Covenant. An illustration of how the Council of the League deals with a political dispute was outlined in my third chapter.[51]

I have already indicated the lack of definitiveness on the part of the Covenant in respect to procedure. There was also a more and more apparent need for permanent conciliation boards separately designated beforehand between states which would ultimately be subject to decisions by the Council. Attempts must be made to settle disputes peaceably at an earlier stage. Numerous disputes do not have a malignant character if they are dealt with in time, and even if, in such cases, conciliation should fail, the disputes would come to the Council in a well prepared form.[52]

The League recognized the gap left open in the Covenant in regard to such permanent institutions for conciliation, and in a resolution of the Assembly in 1922 it was recommended that the members conclude conventions with the object of laying their disputes before conciliation commissions formed by themselves.[53] A model for agreements of this kind was adopted by the Assembly at the same time and the whole investigation and conciliation procedure strengthened by the support thus given. Since then the need has been met to a great extent by separate agreements to refer disputes in the first instance

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[51] The Aland Island Question, 1920–1921. Also the disputes over Vilna, Upper Silesia, Corfu, Mosul, etc.

[52] Löfgren, *op. cit.*, 12–13.

[53] *Supra*, 308–; Löfgren, *op. cit.*, 13; *U.N.F.*, 1922, 64–65. The texts of the treaties mentioned herein are to be found in the Swedish Treaty Series (*Sveriges Överenskommelser med Främmande Makter*) Kungl. Boktrykeriet, Stockholm, 1915– . They are of course also included in the League of Nations *Treaty Series*.

to such bodies. The creation of the Permanent Court of International Justice at The Hague has also given stability and authority to the new international procedure, which the League hoped would have more and more of a universal application. The Geneva Protocol and the Locarno agreements also exercised a definite influence in the spread and development of the idea of mediation and arbitration.

Sweden had already anticipated the action of the League mentioned above and as early as 1920 entered into an agreement of that character with Chile.[54] Treaties of similar character were signed with Denmark in 1924,[55] with Estonia in 1925,[56] with Finland in 1924,[57] with Norway in 1924,[58] with Latvia in 1925,[59] with Lithuania in 1925,[60] and with Switzerland in 1924.[61] All these conventions are wholly without reservation as to the nature of the disputes, with the exception of those with Estonia and Latvia, which exempt from reference to conciliation boards such disputes as belong, under the laws of either country, to the jurisdiction of a court.

These treaties were concluded to secure the necessary completion of the central conciliation procedure of the Covenant. They may also be considered as a logical conclusion of the juridical activities in the Scandinavian countries during the world war. They were founded on the principle that even if it could not be expected to secure a more general adherence to the idea of obligatory arbitration, there could at least be hope that disputes might be submitted by states for conciliation through permanent boards or commissions.

The commissions of inquiry and conciliation set up between the Scandinavian and Baltic states in 1924 and 1925 had as their chief purpose fact-finding and mediation in wholly political disputes. These states are at the same time adherents of the Permanent Court and disputes of a legal nature fall under the jurisdiction of that body. The above-mentioned treaties were not designed, however, to furnish a means of procedure for preliminary consideration of questions

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[54] *Sveriges Överenskommelser med Främmande Makter* (1921), n:r 8. Ratifications exchanged May 3, 1921.

[55] *Ibid.*, 1925, n:r 4. Ratifications March 7, 1925.

[56] *Ibid.*, 1926, n:r 3. Ratifications February 25, 1926.

[57] *Ibid.*, 1924, n:r 23. Ratifications September 13, 1924.

[58] *Ibid.*, 1924, n:r 21. Ratifications August 30, 1924.

[59] *Ibid.*, 1925, n:r 22. Ratifications September 24, 1925.

[60] *Ibid.*, 1926, n:r 37. Ratifications October 29, 1926.

[61] *Ibid.*, 1925, n:r 1. Ratifications February 14, 1925.

going to the Court. In the later agreements, yet to be considered, the work of the conciliation commissions may be viewed as preparatory to arbitration procedure in cases of legal character falling within the domain of the Hague tribunal, as well as such cases as may be referred to special courts of arbitration. Although the early Scandinavian treaties do not contemplate jurisdiction over legal questions, provision was made for such procedure in case both parties agreed to submit the disputes to the conciliation commission.[62]

The conciliation commissions consist, according to the typical northern plan, of five members of which each of the parties designate two, the third being chosen by the parties together or by the president of the Hague Court. Only one of the members designated by a state may be a national of that state and the chairman must be of a different nationality from that of the other members. A special technical expert for the consideration of a special question may sit in the place of one of the members designated by either state. The treaty with Switzerland adopts a different system, the "Swiss" plan, which has later been more universally used, as in the Locarno treaties and a Swedish series of "mixed" agreements.[63] Here, in order to strengthen the non-partisan element, each of the parties designates only one member, the others being chosen by the two states jointly, or, in case of non-agreement, by some high impartial authority.

The members of the commissions meet in Geneva unless the parties agree on some other place, and negotiations are, as a rule, secret. The results of investigations of the dispute take the form of a report, which, if the nature of the dispute occasions, may become a proposal for conciliation or a majority decision. Dissenting opinions are registered in the report and nothing shall stand in the way of the rendering of a solution best fitted to secure peace. The reports are submitted to the Secretariat of the League of Nations and to each of the parties involved. In case a dispute has been submitted by one party to the conciliation commission and by the other to the Permanent Court or some special arbitral court, the former postpones action until the latter decides as to its competency. In case the Court does not assume jurisdiction or in its hearings touches only a part of the question, the dispute goes wholly or in part back under the other procedure.

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[62] Löfgren, *op. cit.*, 40–42.

[63] *Infra*, 329–332.

The question arises as to the relation of the Scandinavian system to the procedure outlined for the League in articles 11–15 of the Covenant. As has previously been indicated, the northern agreements are merely complementary to the organization provided for in that instrument. In the decisions of the 1922 Assembly it was also stated that whenever the situation mentioned in article 15 was reached and danger was imminent, the question in hand could immediately be referred to the Council with a consequent termination or temporary rupture of the conciliation procedure. Does this imply that, under the Scandinavian agreements, it was at any time possible to interrupt an action in process and drag the dispute before the Council? Mr. Löfgren does not think so.[64] In the first place a conciliation treaty in itself implies a mutual obligation on the part of the disputants to submit to the stipulations of the treaty. Further, by its very nature, it should prevent any step being taken during the procedure toward a "breaking-point." In the second place, the conciliation commissions have become, since the birth of the new treaties of that nature, the first step in an obligatory peace and arbitration procedure which excludes the Council, except in respect to a new dispute over the application of the decisions of the conciliatory method. The purpose of the above-mentioned resolution of the Assembly was nothing more than to indicate the position of the Council as the highest authority in the maintenance of peace.

Between the earlier conciliation treaties I have outlined and the later developments along similar and more extended lines a number of events occurred which have occasioned difference in them. Some of these happenings we have already considered. We have seen how Sweden and some of the other states took the initiative after the failure of the Geneva protocol to widen the scope of separate arbitration treaties under the Covenant.[65] After the general solution suggested by the protocol proved non-acceptable, the 1925 Assembly recommended more restricted agreements as the only possibility: regional or other separate peace treaties and guaranties. On this basis the development was turned back into the paths of *Realpolitik*. Those states which considered peace and national security to rest directly upon continental conditions occupied themselves with the Locarno negotiations. Those states, on the other hand, among which

[64] Löfgren, *op. cit.*, 45; *infra*, 334. [65] *Supra*, 315–316.

are the Scandinavian powers, which placed emphasis on the continuation of the work toward obligatory arbitration, immediately began activities along that line, primarily with the view of regulating their own limited spheres of interest.

This direction of the northern peace program was in full accord with the earlier proceedings in this regard on the part of these states. The initiative was, as we have seen, taken by Sweden. However, at the same time it was discerned that little cooperation was to be expected from the Great Powers. France was, to be sure, in a special position and from the outset had supported the ideas of the Geneva proposals as well as the principle of obligatory arbitration. But England, and even more the Dominions, let the world know that they would not countenance any absolute system. Justice from case to case, certainly; but never unreserved regulation for all situations in a future which was to say the least uncertain.

The thought that any universally accepted system might be established was thus almost immediately set aside. It remained for the Scandinavian countries and other peoples, with but a greatly limited possibility of making their views accepted through political channels, either to watch and wait for a time in the future when conditions were more favorable or themselves to go ahead and within their own circle carry further the idea of arbitration. The latter course was adopted. The countries of the north had already accepted arbitration without reservations in the disputes of law falling within the jurisdiction of the Permanent Court. To go further meant the widening of the scope of arbitration to include disputes of all categories, that is to say, disputes of wholly political character embracing the "vital interests" of states. In this respect there was the example of the Swiss-Italian agreement of 1924 to follow. Not being content with strengthening their mutual bonds by the treaties of conciliation and arbitration among one another the northern states also signed numerous agreements with states outside their circle, which, in turn, have been connected by means of corresponding guaranty and arbitration conventions.

The first Swedish agreement of the combined type was the arbitration and conciliation pact with Germany, dated 1924,[66] by which both parties pledged themselves to submit to arbitration or conciliation all

[66] *Sveriges Överenskommelser med Främmande Makter*, 1925, n:r 28. Ratifications exchanged November 21, 1925.

disputes which, within a reasonable time, had shown themselves not susceptible of solution by ordinary diplomatic means or for whose settlement no special machinery had already been set up. Since Germany at that time stood outside the League of Nations, this agreement does not belong to the conciliation and arbitration system of that organization. At the time of its conclusion it represented without a doubt a step in advance both by reason of the definite procedure provided for and of the extensive jurisdiction attributed, in accordance with a previous German-Swiss treaty, to the court of arbitration with regard to the application of international law.[67]

A similar treaty was concluded with Norway on the initiative of that country in 1925.[68] In respect to it a report stated:

> The friendship between Sweden and Norway has found official confirmation in the unlimited arbitration treaty signed November, 1925. This treaty replaced that in force since the dissolution of the Union and is far more inclusive. It provides that all disagreements, without exception, shall be submitted to the permanent conciliation commission established in 1924.[69]

Like agreements were reached with Denmark[70] and Finland[71] in January, 1926.

The combined conciliation and arbitration treaties since concluded have been signed with states which are members of the League of Nations, and they all lack the reservations involving national independence, integrity, and other vital interests. As far as Sweden is concerned, such treaties have been signed with Poland in 1925;[72] with Czechoslovakia in 1926;[73] with Belgium in 1926;[74] and with Austria in 1926.[75] On account of their "mixed" character these agreements have been called pacts of the Locarno type. With regard to the actual terms, this label is justified only in the case of the pact with Czechoslovakia; but all of them are, as regards the kinds of disputes subject to procedure, entirely without reservations, with the exception of the

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[67] See Löfgren, *op. cit.*, 58–59. The German-Swedish Court may apply *jus constituendum*, that which the Court considers ought to be positive law, in those cases when permanent rules of law are not available.

[68] *Sveriges Överenskommelser med Främmande Makter*, 1927, n:r 3.

[69] *American-Scandinavian Review*, XIV, 116.

[70] *Sveriges Överenskommelser med Främmande Makter*, 1926, n:r 23. Ratifications exchanged July 20, 1926.

[71] *Ibid.*, 1926, n:r 10. Ratifications exchanged May 28, 1926.

[72] *Ibid.*, 1927, n:r 5. Ratifications exchanged March 28, 1927.

[73] *Ibid.*, 1926, n:r 6. Ratifications exchanged April 29, 1926.

[74] *Ibid.*, 1927, n:r 16. Ratifications exchanged September 27, 1927.

[75] *Ibid.*, 1927, n:r 4. Ratifications exchanged March 29, 1927.

one with Poland, according to which the provisions for settlement of disputes by court procedure, or arbitration, are not applicable to so-called "domestic" questions."[76]

A closer examination of one of these treaties may give a better idea of the procedure contemplated. For this purpose the review of the agreement with Belgium by the Swedish Minister to Washington, Mr. Wollmar Boström, will be of value.[77] The treaty with Belgium was the first unrestricted arbitration agreement made by Sweden aside from those concluded with the other Scandinavian countries. All disputes of whatsoever kind, in which one of the parties concerned questions a right claimed by the other, are to be submitted to the Permanent Court of International Justice. This stipulation applies to those disputes which refer to conditions and actual circumstances posterior to the ratification. The parties concerned can agree on submitting the dispute for conciliation before that tribunal also. The procedure with regard to a judicial controversy is therefore only facultative.

All disputes of any other kind are first submitted to an obligatory procedure of conciliation before a permanent commission, which must suggest an acceptable settlement to the parties concerned, or, in any case, submit a report. Should an agreement not be reached within a month after the commission has finished its work, the dispute shall, at the request of either party, be referred to a special court of arbitration. Failing any other agreement between the parties concerned, this court of arbitration shall be appointed in accordance with the provisions of article 45 of the Hague Convention of 1907. In such case the parties elect two members each from the panel of the Hague Court and these members appoint jointly the chairman of the court of arbitration. The court makes its decisions *ex aequo et bono*. Such disputes, for the settlement of which a special procedure is provided for in other agree-

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[76] Löfgren, *op. cit.*, 59–60.

The San Francisco *Chronicle*, December 16, 1928, mentions a conciliation and arbitration treaty just concluded between Sweden and Spain. The comment upon it indicates that it is of the same category as those mentioned above.

On October 27, 1928, there was also an arbitration treaty concluded between Sweden and the United States. A conciliation agreement was already in effect between these two countries. See the *United States Daily*, October 29, 1928. The latter agreement is similar to that concluded between Sweden and Germany in 1924 in that the second party is not a member of the League of Nations at the time of ratification.

[77] Wollmar Boström, "Treaty of Arbitration between Sweden and Belgium," *American-Scandinavian Review*, XV, 283 *passim*.

ments between said parties, shall be settled in accordance with these agreements. An example of such special proceedings is the stipulation in article 20 of the Treaty of Commerce and Navigation of June 11, 1895, between Sweden and Belgium. Differences in regard to the interpretation of the treaty of 1926 shall be referred to the Permanent Court of International Justice.

Stipulations regarding the procedure of conciliation provide, as in the Locarno treaties, that there shall be a commission of five members of which two are elected, one by each party, and the three others by both parties jointly. The commission may submit its report to the parties concerned with the request that they express their opinion on the subject matter within a certain time. In absence of any other agreement between the parties, the commission shall terminate its work within six months after the submission of the dispute. Its work ends by drawing up a protocol stating the conditions of the settlement, or, failing a settlement, it is established that the conciliation procedure has been unsuccessful. The treaty is valid for ten years from the date of exchange of ratifications and, upon six months' notice of termination, for a period of five years thereafter.

From what has been indicated in regard to the Scandinavian agreements it may be seen that they differ in certain respects from the Locarno treaties. The former emphasize the factual investigation of the problem and leave the question of submitting a settlement to depend on the circumstances of the case; they also leave the adoption of the decision entirely to the free will of the contractants. These do not communicate with the commission after the submission of the question, but merely with each other in regard to accepting or refusing to accept the decision. The Locarno agreements, on the other hand, stress the obligation of the commissions to reach a conciliation between the disputants. If this proves unsuccessful the commissions are in questions of law authorized, and in questions involving "interests" ordered, to adopt proposals for an acceptable solution. A definite time is also set during which the parties may seek to reach an agreement. No provisions are made for representation of special experts in the place of definitely appointed members. The members of the Locarno commissions are primarily a board of arbitrators, against the decisions of which there is a right of appeal, while the northern boards are composed rather of impartial investigators of the factual circumstances of the disputes with the authority to suggest settlement in case, upon

an examination of facts, they so deem necessary.[78] The Locarno procedure is to some extent based on the idea that the procedure of conciliation may serve as a preparation for a later consideration of the dispute by the Council of the League of Nations. The Scandinavian agreements, however, take note of the fact that the parties may not be ready for intervention on the part of the Council and hence leave the necessity of recommending a settlement entirely to the option of the conciliation commission.

I have thus tried to show some of the developments which have been made in regard to the peaceful settlement of international controversies. To be sure, this has not been due to Sweden alone, or to the Scandinavian powers alone. However, Sweden and the other countries of the north have been among those states which have blazed the trail in the attempts at organization of peace within recent years. Certainly the agreements which we have been considering mark a definite advance from the older provisions for peaceful settlement which were, as we have seen, based largely upon the idea that the interests of the state represented the highest law. The newer conception lately developed, of the binding force of the procedure, stands in marked contrast to the former principle under which international agreements were applicable only while the circumstances under which they were concluded remained unchanged, the theory of *rebus sic stantibus*. That principle has had a definite application under positive law, but in the atmosphere in which the Hague Conventions began to grow, and the later developments have flourished, it has needed expansion, wide expansion, of a wholly political complexion. On this basis two forward steps have been taken. The one, thanks to Locarno, embraces a large part of Europe and establishes a reservationless submittal of disputes to a definite procedure. The other, embracing a more limited scope of territory but not therefore of any less significance, provides that the northern countries and other states on an equal basis with them shall settle their difficulties in a peaceful manner, with a final resort to arbitration, but not through a political test of jurisdiction before a Council in fact dominated by the preponderance of the Great Powers.[79]

In the 1927 Assembly of the League of Nations the Norwegian delegation through Mr. Fritjof Nansen introduced a proposal to examine the possibilities of continuing the work toward reaching a

[78] Löfgren, *op. cit.*, 62–64. [79] *Ibid.*, 82–83.

general agreement in regard to obligatory arbitration. In the discussion in the First Committee, the Swedish representative, Mr. J. E. Löfgren, stated the attitude of his Government and also touched upon the whole question of arbitration. He pointed out that the proposals at hand closely resembled those of Sweden in 1925, in response to which the Assembly adopted a resolution recommending states to conclude separate arbitration treaties with the view of facilitating the conclusion of a general treaty in the comparatively near future. Sweden thought that the conclusion of an arbitration treaty specially affecting purely political questions must be preceded by or coincide with the accession of a majority of countries to the *Optional Clause* of the Permanent Court. The result of the ratification of bilateral treaties such as I have outlined had been to take arbitration procedure out of the hands of the Council and to entrust it to bodies employed by the parties themselves. Mr. Löfgren held, and was supported by many, that arbitration preceded conciliation by the Council, and that once arbitration proceedings had been entered upon, the Council had no further power to consider the substance of the dispute. The situation was exactly the same in cases of conciliation procedure taken up before a special commission established by a bilateral treaty. In each case the bodies mentioned had been established as a result of contractual obligations between the two parties arising out of the Covenant, and the Council should keep special watch over the fulfillment of obligations of this kind. In grave emergencies, in accordance with article 11, the Council was even called upon to deal with questions that had already been submitted to arbitration. In such cases, however, the main business of that body must be to bring pressure to bear upon the parties, in order to make them fulfil their legal obligations. The fact that a legal question submitted to arbitration might influence the political situation did not justify the Council in touching upon the substance of a dispute in order to give force to political considerations.

An arbitration tribunal has sole power to decide the extent of its own jurisdiction, and there is no appeal against this decision, unless express opinion to the contrary is stated by the parties. It was essential to make every effort to strengthen the general confidence in arbitration which, particularly for the small states of the world, was the surest guaranty of peace.[80]

[80] *L.N.O.J.*, 8th year, no. 55, 23; *U.N.F.*, 1927, 53–56.

I have cited the above to clarify the relation of the Scandinavian conciliation and arbitration agreements to the League of Nations. Although they are in a sense separate and distinct and wholly regional in their application, they are at the same time a part of that movement which it is hoped will ultimately result in a more general extension of the principles involved.

We have looked at some of the things which Sweden has been trying to do to make the world a safer and better place in which to live. I have tried to show the consistent manner in which that country has striven to "close the fissures of the Covenant" and make the League of Nations the promoter of peace that she, at the time of adhering to it, thought that it should be. In the amendments proposed to the Covenant, in the attitude taken toward disarmament and security, in the efforts to secure a more universal codification of international law, and in the establishment of an enlightened procedure for conciliation and arbitration, Sweden has contributed in no small amount toward a stabilization of peace in Scandinavia, in Europe, and in the world.

CHAPTER V

SWEDEN AND THE COUNCIL OF THE LEAGUE OF NATIONS

The only member of the League to execute the peace treaties who is in a position to do so in a spirit of independence, impartiality, and disinterestness is—Sweden. She has played her ungrateful part admirably. Being a small power, however, and, in contentious matters, often in a minority of one, she has but been able to show what the Council might be and might do for the true pacification of the world if its members were actuated less by narrowly national motives and more by a sense of loyalty to the international community as a whole. Although often alone on the Council, she has enjoyed the support of informed liberal opinion the world over. . . . . Her example has given a foretaste of what a country no less independent, impartial, and disinterested, but incomparably more powerful might be and do in the interests of peace, if she could see her way to accept the moral leadership which awaits her representative at the Council table.[1]

—William E. Rappard.

We have seen that when Sweden adhered to the Covenant of the League of Nations she did so with the pledge of working to make the organization founded by that pact all that the high principles upon which it was established promised that it would be. Adherence came reluctantly, for imperfections were many. The conservative and discerning scrutiny given the Covenant revealed the presence of numerous things considered by Swedish statesmen as objectionable and the absence of many features thought essential. Some of these matters we have already looked at; others it is the purpose of this chapter to examine.

When the Council of the League of Nations met for the first time, on January 16, 1920, in Paris, eight members sat at the table. There were no representatives from the United States or Germany. The former had not chosen to enter; the latter was not considered a fit associate. If there had been a meeting of the Council on January 20, 1919, only five states might have gathered around the table, for the original draft for a League of Nations by Robert Cecil provided for a still more select group—the five principal allied and associated powers. General Smuts and President Wilson were more liberal and the

[1] *International Relations as viewed from Geneva*, 11.

smaller states insistent, so the latter were permitted to participate in the choice of four from their number who should occupy non-permanent seats for an indefinite period of time. The total number should thus have been nine, then and forever afterwards. However, neutral states looked askance upon the rigidity of the arrangement, for they feared that the five Great Powers might embarrass the four little powers and have too much to say about "running the show." Not only that, but as a practically closed corporation, the Council might also over-awe its relative, the Assembly, and that body might very easily become a "weak sister." The voices from the north and from their peaceful associates were heard and a clause was inserted whereby the Council might be further enlarged.

Although provisions were thus incorporated into the Covenant for non-permanent seats on the Council and for an increase in the total membership of that junta the situation was not at all pleasing to some of the members and prospective members of the high and mighty organization which was being established. The organic law of the League of Nations in this respect was not definite; some of its articles were lacking in clarity, and interpretations of them varied greatly.

When Sweden was contemplating entering the League of Nations the press and public called attention to these questions. In the Riksdag there was no attempt to cover up any of the "weaknesses" but, as we saw in the second chapter, the attitude taken was that Sweden should join, and, as a member, work for the changes she thought so essential. Hence, we find that country at Geneva as a champion of the small states and an ardent supporter of the Assembly as against the Council. By amendments proposed to the Covenant, by the staunchness of her stand in the crises, and by the sterling qualities of leadership of her first delegate, K. Hjalmar Branting, Sweden was able to exercise more influence in bringing about what she wanted than many states much larger than herself. Often alone, wholly unsupported, she nevertheless went about her task with a spirit of independence and impartiality that has brought great respect and lasting admiration. From her position as a non-permanent member of the Council during the years 1923–1926, Sweden was able to make the attitude of the north felt as might not otherwise have been the case. Her policy toward that body and actual endeavors within it are matters well worth our consideration.

After having worked for a system whereby the non-permanent members of the Council might be more equally distributed, Sweden was herself elected to hold such a seat at the twenty-fourth meeting of the Third Assembly, September 30, 1922. Sweden first assumed her position on the Council at the twenty-third session, January 29–February 3, 1923. Her representative in that body was the man who had already distinguished himself and his country in the meetings of the Assembly, Karl Hjalmar Branting.

Mr. Branting went to the Council with instructions to work for and adhere to plans suggested with the idea of bringing up the question of reparations.[2] Although some of the members were in favor of so doing, opposition from France and Belgium prevented the adoption of a resolution proposed by the Swedish delegate which would have the Council assume jurisdiction whenever the interested parties so desired. The disputes between Poland and Lithuania, Greece and Italy; the questions of the Saar, Eastern Karelia, and the financial reconstruction of Austria were some of the problems which confronted the League of Nations and the Council in 1923. Regarding the Saar, the Swedish representative regretted that it had seemed necessary to establish in a territory under the administration of the League a régime justifiable only in time of war. The provisional decree under which that territory was governed permitted conditions which were anything but satisfactory and which brought great discredit upon the League. An inquiry should be made and those in charge of administering the province should endeavor to collaborate with the population and gain its confidence. The rule was not sufficiently democratic; more publicity should be given than that afforded by the members of the Governing Commission; the representatives of the native population should be allowed to appear before the Council and state their views in order that a true and just estimate might be formed.[3]

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[2] *Nationernas Förbundsråds Verksamhet Under År 1923* (*U.NF.*, 1923), 10.

[3] *L.N.O.J.*, 4th year, 596, 871. It was at the instance of Mr. Branting that the exigencies of the Saar situation were placed on the Council agenda for its April meeting. When the matter was up for discussion Branting expressed himself as indicated above. The British representative to this meeting was Mr. Edward Wood who was very cautious in his comments, although he did not conceal his misgivings as to the situation. The outspoken manner of the Swedish delegate probably to no little extent caused Great Britain to take the stand which she later did as the "British seem to have been in a chronic state of unpreparedness on Saar matters." See Dr. Frank M. Russell's *The International Government of the Saar* (Univ. Calif. Press, 1926), 209, 210, 213, 215.

On the Graeco-Italian dispute Mr. Branting took a stand which perhaps for the first time really showed the position Sweden was to hold throughout her activity as a member of the Council. The views he expressed indicated to his colleagues that here was a man who must be reckoned with and who was not to be taken lightly. That the position which Sweden took was appreciated is shown by the applause accorded Branting in the opening debate on that question at the Fourth Assembly. The seriousness of the conflicting ideas of Greece and Italy was further emphasized by the Swedish delegate in the Council meeting of September 1, 1923.[4] It was a situation which endangered the very foundations of the League of Nations. It had been said that the matter did not concern the Council and that it should be settled by the Council of Ambassadors. Mr. Branting considered that the Council had a duty which was quite clear: not to allow anything to intrude upon the relations between states which might tend to imperil the provisions of the Covenant. It must not, without protesting, acquiesce in acts which entailed, at any rate in their consequences, a breach in the Covenant and which were entirely contrary to the intentions of its authors, intentions which had resulted in the adherence of almost all the nations. It was clearly the duty of the Council to go into this matter as quickly as possible. The provisions solemnly laid down in article 15 had not been applied, not to mention other articles. In the meantime the Conference of Ambassadors had convened and despatched a note to Greece of which action the Council was informed on September 17. This report was accepted, but at the time Mr. Branting remarked that although he was satisfied with the report, there were other aspects of the question.[5] One of the parties had denied the competence of the Council to deal with the affair. Other members of the Council did not support this view but the Swedish delegates regretted that the Council did not deem it advisable to make a definite pronouncement on the point. That attitude, though probably dictated by a praiseworthy solicitude for the restoration of tranquility, had caused a considerable anxiety among the nations which regarded the work of the League as a valuable guaranty of security. The occupation of Corfu, in clear contravention of the principles embodied in the Covenant, might also set up a dangerous pre-

[4] *L.N.O.J.*, 4th year, 1280–1281; *U.N.F.*, 1923, 26.

[5] *L.N.O.J.*, *ibid.*, 1306.

cedent. Any act conflicting with the solemn undertakings accepted by the various states will considerably diminish the League's prospects of fulfilling its great duties when confronted by future conflicts. Among those that still believed in the future of the League there was a hope that the desire for peace among the nations might grow strong enough to induce every country to uphold the Covenant.

In order to prevent future questions as to the competency of the Council in disputes, which had been challenged by Italy in this case, a committee of jurists was appointed to examine the provisions of the Covenant in this regard. Mr. Branting thought that questions relating to the interpretation of the Covenant should be referred to the Permanent Court of International Justice.[6] In answer to objections, the Swedish delegate pointed out that article 14 of the Covenant provided for an advisory opinion, not merely upon any dispute, but also upon any question referred to the Court by the Council or the Assembly. This had been done in regard to the International Labor Organization, and there was much similarity between the two cases. The Council should take into account the considerable anxiety regarding this matter which was felt by public opinion in all parts of the world. The solution of these problems by means of an advisory opinion would relieve this anxiety to a great extent. The most authoritative pronouncement, that carrying the greatest weight that it was in the power of the Council to seek, was that of the World Court. The decision of the Council was not in accord with the desires expressed by Branting and he reserved the right to express his views on the matter before the Assembly. In desiring to have this matter submitted to the Court, the Swedish representative merely hoped that through such procedure the authority and prestige of the League would be increased. Certain channels were provided in the Covenant and it was only by using these that the League could hope to attain the position desired for it by some of the states. Mr. Branting was not alone in his argument, either in the Council or the Assembly. Lord Robert Cecil supported his views in both bodies and merely acquiesced to the procedure adopted to ensure unanimity. The attitude of Sweden also won much approval from the smaller states; indeed her views were partly the result of close cooperation with the other Scandinavian states, Finland, Holland, and Switzerland.[7]

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[6] *L.N.O.J.*, 1330–1331. [7] *U.N.F.*, 1923, 90.

Another question in which Sweden played a leading part, although in a different manner, was the dispute between Turkey and Iraq, the Mosul question. The Treaty of Lausanne (art. 3) provided that the frontier between these two countries should be settled by an agreement between Great Britain and Turkey. In case difficulties should ensue within the nine months' period in which this was to be accomplished, the matter should be referred to the Council of the League of Nations.[8] Inasmuch as there were no results forthcoming during the specified time, the matter was referred to the Council by the British Government. The Council designated Hjalmar Branting as rapporteur on the question. At the meeting of August 30, 1924, the Swedish delegate suggested that the League invite Turkey to send a representative to the Council pending the discussions.[9] After consultations with both parties the rapporteur, on September 26, stated that both parties acknowledged the jurisdiction of the Council in the matter. At the suggestion of Mr. Branting the Council then appointed a committee of three members to examine the facts of the situation. As the head of this committee was selected M. de Wirsen, Minister Plenipotentiary of Sweden to Roumania.[10] The report of this commission was considered by the Council at its thirty-fifth session, September 2–28, 1925.[11] At that time Professor Ö. Undén, Swedish Minister for Foreign Affairs and representative to the Council, acted as rapporteur, having succeeded Branting, whose death deprived the League of one of its most active men.[12] At his suggestion the Council appointed a subcommittee to consider the question. Mr. Undén was a member of this group and again acted as rapporteur. His report provided for submission of some of the questions connected with the

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8 *L.N.O.J.*, 5th year, 1465.

9 *Ibid.*, 1291–1292, annex 667, 667*a*.

10 *U.NF.*, 1924, 22–23.

11 *L.N.O.J.*, 6th year, 1307–1337.

12 Hjalmar Branting has been described as "the greatest Swede since Sweden herself was great." His career in the Riksdag began in 1896 and from his first speech there to the end of his career the House filled at once when word went round that Branting "was up." He was the father of Swedish Socialism and an international figure in this field. During the war he headed the paralyzed International. During the war, also, he was one of the strongest champions of neutrality, his articles in *Social-Democraten* being the most outspoken and able of those appearing in print in any neutral country. He is the only man that has three times been Prime Minister of Sweden. His funeral, March 1, 1925, was the largest ever witnessed in Stockholm. As labor leader, foreign minister, governmental chief, and international statesman, Hjalmar Branting stood out as the proponent of the attitude I have described as Swedish in this treatise.

problem to the Permanent Court for an advisory opinion. This was adopted and on December 8, the Council heard Undén's report of what the Court had done and unanimously approved it.[13] The Turkish representative objected to the course taken, holding that the Council should play only the part of a mediator, and that it had no power to decide the question. Mr. Undén replied that the Council had in no way renounced its position as a mediator, and that it was only in cases of non-success in mediation that the further step of making the decision was taken.[14] In the meantime, the committee of the Council was continuing its work, and on December 16, the final results of the investigation as reported by Mr. Undén culminated in the decision of the Council.[15] It is not my purpose to go into the facts of the case nor its bearing on the Near Eastern question. I have merely shown the way in which Swedish representatives participated in bringing about the settlement. Mr. Branting as rapporteur and president of the Council, was instrumental in fashioning the early procedure in the case. Mr. Wirsen, as a member of the commission of enquiry, collaborated in gathering the data. Professor Undén finished the work begun by Branting, and by his observations aided in the final decision made by the Council.

That the work of Sweden as a member of the Council was appreciated, was shown by her reelection to that body by the Assemblies of 1924 and 1925. By an Assembly resolution of 1926, however, the non-permanent members chosen by the Sixth Assembly lost their seats at the time when new members were selected that year. Before that date, however, Sweden was destined to play the major rôle in the major question yet considered by the Council and the Assembly, the admittance of new states into the League. This time the matter was not one of mere quantitative increase, for the state to come in was Germany. Together with the admission of Germany were coupled other questions all of which brought about one of the most precarious situations in the short history of the League of Nations.

The position of Sweden on the question of admitting Germany into the League of Nations may be traced back to the time when that country was itself considering adherence to the Covenant. The lack of universality of the League, the failure of the new international

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[13] *L.N.O.J.*, 7th year, 120–129.

[14] *U.N.F.*, 1925, 34–35. [15] *L.N.O.J.*, 7th year, 187–193.

organization to include from the very outset all of the civilized states, and the particular discrimination against Germany and Russia, were, as we have seen, some of the objections advanced in Swedish governmental circles during the winter of 1919 and spring of 1920. A league without Germany was weak; the inclusion of that state was deemed essential. When Sweden joined she did so pledged to work for the speedy admittance of Germany, and that has been the stand of the Swedish delegates throughout the struggle which proved necessary before that desirable state of affairs was brought about.

In a letter to the Secretary-General of the League of Nations dated December 12, 1924, the German Minister for Foreign Affairs, Stresemann, speaks on behalf of his Government as follows:[16]

> The German Government is of the opinion that the political developments during the past year have rendered it possible for Germany to join the League of Nations. Accordingly, the German Government resolved last September to consider the question of Germany's adherence to the League in the near future. In pursuance of this intention, the Government first entered into communication with the governments represented on the Council of the League of Nations and submitted to them a memorandum having for its object the elucidation of certain problems of importance connected with Germany's cooperation in the League.

The memorandum mentioned included such questions as Germany's becoming a permanent member of the Council of the League as well as questions in regard to the participation in the sanctions provided for in article 16 of the Covenant. On the first of these questions Germany received a favorable answer from the powers, but on the latter it was generally held that Germany could not impose special reservations.[17]

The Swedish reply to the German letter follows the sentiments expressed above:[18]

> It is a matter of extreme satisfaction to the Swedish Government to learn that the German Government desires to become a member of the League of Nations. On several occasions since the foundation of the League the Swedish Government has urged that the League of Nations should aim at universality. In agreement with public opinion in Sweden, it is considered especially important that Germany should become a member of the League. . . . . The Royal Government considers, that, once she has been admitted as a member of the League of Nations, Germany should be given the same place in the organization of the League as is held by the other great Powers members of the

[16] *L.N.O.J.*, 6th year, 323–325; *Monthly Summary*, IV, 287–290.

[17] *U.N.F.*, 1925, 12.

[18] *Ibid.*, 5, 12–13; *L.N.O.J.*, 6th year, 326.

League. She should, therefore, be guaranteed a permanent place on the Council. . . . . The Swedish Government is prepared to support the measures which would have to be taken by the Council and the Assembly in order to give immediately to Germany a permanent place on the Council. . . . . The Swedish Government considers that it would hardly be compatible with the provisions of the Covenant, or of the principles on which it is based, that Germany's adherence to the League should be conditional on a reservation concerning the important obligations laid down in Article XVI of the Covenant. . . . . It hopes that the German Government will not regard the provisions of Article XVI of the Covenant as an obstacle to Germany's entry into the League of Nations.

The foregoing German memoranda was taken up by the Council at its thirty-third session in March, 1925.[19] The Swedish representative, Mr. Sjöborg, expressed his desire that the Council reply to the German letter and make the reply as appeasing as possible but at the same time explicitly state that it would be impossible to admit Germany on any other basis than that required for other states.[20] This was the general feeling expressed, and in accordance therewith the Spanish delegate, M. Quinones de Léon, was instructed to draw up a memorandum to the German Government. This reply ended with the thought that it is only through active participation within the League that a state can exert its legitimate influence in the decisions of that body. It was therefore to be hoped that Germany would soon see the way clear for entry and that the members of the Council might soon have the opportunity to see her share in the work of that body.[21]

The question of Germany's entrance into the League became, after the March meeting of the Council, the object of direct exchange of ideas between the allied powers and Germany in connection with the negotiations in regard to the problem of security, whereby, from the allied side, Germany's entrance was made a condition of the completion of the agreements in this respect. This was accepted by Germany and incorporated into the Locarno Pact of October, 1925, and into the treaties of London, December, 1925, between Germany, Belgium, France, Great Britain, and Italy, the putting into effect of which was made conditional upon Germany's adherence.[22]

As an annex to the Locarno agreements, a committee headed by Émile Vandervelde gave an opinion on the attitude of the Council and Assembly toward the German request for explanations in regard

[19] *L.N.O.J.*, 6th year, 441. [20] *U.NF.*, 1925, 13.

[21] *Ibid.*, 5, 14; *L.N.O.J.*, loc. cit.; *Monthly Summary*, V, 83–84.

[22] *U.NF.*, 1925., 15.

to article 16 of the Covenant. It was thought that each member of the League is bound to cooperate loyally and effectively in support of the Covenant and in resistance to any act of aggression to an extent which is compatible with its military situation and geographical position.[23]

Shortly following the conclusion of the Locarno Pact, the Secretary-General of the League of Nations received a letter from the German Government asking for admission into the League. Dated February 8, 1926, it read:[24]

> With reference to the German memorandum of September, 1924, to the Governments represented on the Council, and to the German note addressed to you on December 12, 1924, and the reply thereto of the Council of the League dated March 14, 1925, as well as the Note of the other parties in the Locarno Treaties, I have the honor, in accordance with Article I of the Covenant of the League of Nations, to propose herewith, in the name of the German Government, the admission of Germany to the League of Nations. I beg you to put this proposal on the Agenda of the Assembly as soon as possible.
>
> (Signed) STRESEMANN.

In accordance with this request a special meeting of the Council of the League of Nations was called February 12, 1926, at which it was decided in reference to article 1, section 2, of the Assembly's organization, to call that body together in special session on the eighth of March. The agenda of this Assembly was drawn up, including as its first point the application of Germany for membership.[25]

The Special Assembly was convened on the designated date, the Council meeting at the same time for its thirty-ninth ordinary session. The First Committee of the Assembly adopted a report in favor of the adherence of Germany. At its closing meeting the Assembly was officially notified of difficulties which had arisen in the Council with regard to the granting of a permanent seat to Germany. M. de Mello-Franco of Brazil explained the point of view of his Government regarding the enlargement of the Council. After claiming that the American continent should be more amply represented on the Council, he expressed his attachment to the principles of the League, and his regret that it had not been possible to admit Germany at the Special Assembly. Sir Austen Chamberlain pointed out that Germany had

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[23] *L.N.O.J.*, 7th year, 636.

[24] *Ibid.*, annex 867, 636; *U.N.F.*, 1926, 5, 11.

[25] *L.N.O.J.*, 7th year, 498–500; *Monthly Summary*, VI, 36–37; *U.N.F.*, 1926, 11.

made her demand "subject to one natural and reasonable condition," namely, that she should receive a permanent seat on the Council. It had therefore been necessary that this should be settled by the Council before the vote of admission should take place. Difficulties had arisen which made it impossible for the Council to reach an agreement. M. Briand also expressed his regrets and proposed that the Assembly should not disperse without a message to Germany. The following draft recommendation was then proposed and adopted:[26]

The Assembly:

Regrets that the difficulties encountered have prevented the attainment of the purpose for which it was convened.

And expresses the hope that, between now and the ordinary September, 1926, Session, these difficulties may be surmounted so as to make it possible for Germany to enter the League of Nations on that occasion.

At the same time, Viscount Ishii of Japan, acting president of the Council, informed the Assembly of his intention to submit to the Council, before the end of the session, the proposal that it should appoint a committee to study the composition of the Council and the number and mode of election of its members. The terms of reference and composition of the Council was to be decided upon by the Council during its present session.[27]

The feeling in Sweden in regard to the failure to admit Germany at this session is shown in a speech by the Minister for Foreign Affairs, Undén.[28]

This Assembly was summoned for the purpose of admitting Germany into the League of Nations. All friends of the League had long earnestly desired to see Germany within the fold. Her admission, it was held, would mark a great step forward. It would mean the beginning of a new era in the life of the League; it represented the first stage toward universality, a condition which is essential to enable the League to accomplish its lofty mission, the preservation of peace. We are therefore profoundly disappointed to find that Germany cannot at once be admitted into the League.

The sole object of this Special Assembly was to admit Germany into the League with a permanent seat on the Council. Unfortunately her admission was brought into relation with other and irrelevant issues. National claims were advanced in various quarters; individual interests came into conflict with the general interest, the common good of the League.

In order to surmount the difficulties raised by these new questions, great efforts were made and arduous negotiations took place.

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[26] *Monthly Summary*, VI, no. 2, 50, 87.

[27] *Ibid.*, 50, 81.

[28] *Ibid.*, 81–82; *U.N.F.*, 1926, 21–22; See also Viscount Cecil and Lord Parmoor in the House of Lords, April 21, 1926, *Parliamentary Debates—House of Lords.*

To our profound regret we have to admit that these efforts and negotiations have produced no positive result and that it has been found impossible to reach a solution compatible with the fundamental principles which underlie the constitution and organization of the League.

Nevertheless, however keen our disappointment, we must still hope—as M. Briand has urged—that the League in a broader and more universal spirit will shortly admit Germany.

In respect to the negotiations which, coincident with the meeting of the Assembly, were taking place in the Council, Mr. Undén stated in an answer to an interpellation in the Lower Chamber of the Riksdag:[29]

"... Before the meetings at Geneva there had taken place official discussions in the press of the different countries as well as conversations between several Governments in respect to other eventual changes in the composition of the Council other than those occasioned by the admission of Germany. But inasmuch as the deep differences of opinion on this question were well known in advance, it seemed that whatever the outcome of these negotiations, the admission of Germany into the League and the Council was secured. Otherwise is should have been of the utmost importance that the Locarno Powers ask for a postponement of the Special Assembly.

The same day on which I left Stockholm for the meeting at Geneva, I answered an interpellation in the First Chamber put by Mr. Lindhagen, and outlined briefly the stand which the Swedish Government intended to take on the question of new seats on the Council.

The speech referred to by Mr. Undén in the preceding paragraph outlined the policy of Sweden in regard to the composition of the Council throughout her activity as a member of the League of Nations. Even before adhering, as we have seen, the opinion expressed in Sweden was that the original organization of the Council was not what it might have been. The Scandinavian proposals to the First Assembly included a change in article 4 of the Covenant.

At the Second Assembly in 1921 the Chilean representative proposed that Brazil and Spain should be given permanent seats on the Council. This suggestion not only met with little favor, but the Assembly adopted a change in the Covenant patterned after the Swedish proposals at the preceding meeting.[30] This change, however, did not immediately go into effect, owing to the failure of France and Spain to ratify it.[31] The proposal for permanent seats for Spain

[29] *Andra Kammarens protokoll*, March 24, 1926; *U.N.F.*, 1926, 12 *passim*; *American-Scandinavian Review*, XIV (1926), 365.

[30] *Monthly Summary*, I, 119–120.

[31] At the fourth meeting of the fortieth session of the Council, the Spanish delegate notified the members of the ratification of Spain. France had previously done so, so on July 29, 1926, it went into effect. *L.N.O.J.*, seventh year, no. 7, 870.

and Brazil was brought up again at the 1923 Assembly, but there, also, it failed to win any general support.[32] Finally, the same demand was broached at the ordinary meeting of the Assembly in 1925.[33] About that time the question of admitting Germany was being contemplated, and in connection with that question, renewed efforts were made by Spain and Brazil to get permanent seats. China and Poland were also beginning to feel themselves important in the world and wanted similar treatment accorded to them.[34] These were some of the problems confronting the meetings of the Council and the Assembly in March, 1926.

I have outlined the background in regard to the question of the composition of the Council, as it was made, whether irrelevant or not, part and parcel of the question of admitting Germany into the League, and thus was prevented any action on Germany's admission at the session called for that special purpose.

Returning to the remarks of Mr. Undén,[35]

> The Government shares the opinion expressed in the Assembly in 1923 and which at that time seemed to find general acceptance. An increase of the permanent members—over and above the entrance of the Great Powers—should in the opinion of the Government, meet with the strongest hesitation. From the Swedish viewpoint, it has always been held that the relation of the Assembly to the Council would be considerably weakened by such an increase. Added to that comes the difficulty, if not impossibility, of finding a principle upon which some states might obtain the same advantageous position as the Great Powers and be given permanent seats. The question in regard to the composition of the Council, which from the Swedish point of view needed a solution, was not an increase in the number of permanent seats, but rather the method of choosing the non-permanent seats. . . . . The point of view taken on these matters should be entirely with the interest of the League in mind rather than the particular interests of special parties. In any case, the Government is of the opinion that, should the question of the reorganization of the Council come up at the meeting in March, it should be referred to a future ordinary Assembly. . . . . *The Government has in accordance herewith instructed the Swedish delegates to oppose any agreements of a positive character regarding the reorganization of the Council, except the establishing of a permanent seat for Germany,* as well as above all not now to bind itself to any certain solution of this complicated and important problem.

As will be seen from the foregoing, there were especially strong reasons for the opposition of the Swedish delegation to the increase

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[32] *L.N.O.J.*, 4th year, *Records of the Assembly, Minutes of the First Committee,* 35–40.

[33] *Monthly Summary,* III, 195.

[34] Note 32, *loc. cit.*

[35] Note 29, *loc. cit.* Italics are mine.

of the number of permanent seats as desired by some of the states at the March meetings. Through a series of diplomatic soundings the representatives of Sweden were also able to ascertain that their views were shared by several other Governments who also intended to oppose at Geneva some of the contemplated steps outlined.[36] The views expressed by Professor Undén had the support of all the parties in the Riksdag, and the entire Swedish nation was behind him in his action before the League.[37]

The problem of creating new non-permanent seats on the Council was not mentioned in the instructions of the Swedish delegates, nor had it been brought up in their correspondence with the other states. No particular demand had arisen along this line and when such action had taken place in 1922 it had met with no opposition from Sweden. But inasmuch as there were not at the March meeting sufficient reasons for taking up the question of a change in the Council at all, save for the admission of Germany, the Swedish representatives interpreted their instructions as hindering also an increase in the number of non-permanent seats.[38]

In regard to the negotiations at Geneva it might be well to point out that they took place along two parallel lines. In the first place, there were meetings of certain of the signatories of the Locarno Pact, namely, those states which had signed the Rhineland Pact—Belgium, England, France, Italy, and Germany. In the second instance, there were secret gatherings of the members of the Council which were different in character from the ordinary meetings of that body.[39]

Sweden did not of course participate in the collaborations of the Locarno Powers. The purpose of these meetings was to clarify, on the one side, the attitude of Germany, and on the other, the intentions of the other states on the question of the composition of the Council. From the French and British side it was attempted to show that by supporting the desires for new permanent seats, those states were not showing any mistrust of Germany, nor trying to create a balance against that country in the Council. The German view was rather that the Government of that state had, during the drafting of the Locarno agreements and since, counted only on Germany's admission

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[36] *U.N.F.*, 1926, 14.

[37] *American-Scandinavian Review*, XIV, 365.

[38] *U.N.F.*, 1926, 14.

[39] Review of the activities at Geneva by Undén in the Swedish Second Chamber, *supra*, 347 *passim*.

to the Council, the Council as it then was. An organic change at the time of her admission was viewed as contrary to the assumptions upon which was based the application of that country for admission. Furthermore, the delegates endeavored to make their stands more precise and bring them into more agreement with one another. From Sunday the seventh to and including Friday the twelfth of March, the Locarno Powers met as has been outlined.

At the same time the sessions of the Council were taking place. The purpose there was to keep the rest of the members of the Council *au courant* with what was going on among the Locarno group and also to clear up the ideas of the Council members on the question. At one of these meetings Mr. Undén outlined the stand of Sweden on the situation.[40] The representatives of Belgium and Uruguay also declared themselves as being opposed in principle to any increase in the number of permanent members. Japan had some hesitation toward such procedure, but did not oppose a limited increase. The rest of the members seemed ready to accept two or three new permanent seats. In respect to Germany's admission and acquisition of permanent status, there was only one dissenting view, that of Brazil, whose representative demanded similar prerogatives. After considerable appeal the delegate of that country agreed to ask his Government to make a change in his instructions.[41] The Swedish delegates were also arraigned a number of times for their stand, but no change was made.

After five days of fruitless negotiations there was introduced, in a meeting of the Locarno Powers on Friday morning, a compromise proposal, drafted by M. Vandervelde and supported by French, English, and Italian representatives. It included giving up of all demands for permanent seats. Instead, there would be created one non-permanent seat, the possessor of which it was thought might be Poland. This seat should be provisional in character and would end at the close of the year, unless the Assembly at its ordinary session decided to retain it. This plan was opposed by Germany. In a meeting of the members of the Council on Saturday, the situation was pronounced as being most critical.

With the introduction of this proposal the chief point of the Swedish action in regard to Council seats had been won. The Swedish

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[40] *Supra*, 346–347. [41] *Supra*, 345.

attitude was sharply criticized in the final meeting, but to no avail. A recent review of this incident describes the situation as follows:

> Mr. Undén remained quietly in his hotel. He was instructed to oppose Poland's demand as contrary to the spirit of the League, and he never wavered from his instructions. One suggestion after another was taken to him: he rejected them all. Pressure was brought to bear on him, but he resisted it. One country threatened to annul a contract it had made to buy Swedish-made telephones unless he yielded: he did not budge. Spain threatened to renounce a commercial treaty she had with Sweden: it availed nothing. In the Junta circle Undén was pronounced narrow and stubborn, but he paid no heed. A newspaper correspondent described him as the "least active and the most effective of the men holding the centre of the stage at Geneva."[42]

Not only at Geneva was Sweden criticized. At Stockholm the Spanish Minister protested that his country would regard the refusal of Sweden to admit Spain into the Council as an unfriendly act.[43] From many sources the comment came that the refusal of Germany to accept the compromise offer mentioned above was in large measure due to Swedish opposition to the proposal. Mr. Undén merely replied that the best and most natural solution was to leave the whole question of the Council to a committee after Germany had been admitted into the League. Upon the direct request of a number of parties the Swedish delegates did declare themselves willing to meet with the representatives of Germany for common consideration of the situation.

In this meeting of the Swedish representatives, Undén, Löfgren, and Sjöborg, and the German group, Luther, Stresemann, and von Schubert, the lines of a possible solution were suggested. The Germans thought that the general postponement of the question because of a difference of opinion between France and Germany would be a catastrophe so far as the Locarno Pact was concerned, inasmuch as the German Government, in such circumstances, could not continue to demand admission into the League. There prevailed also on the German side a lively interest in reaching an agreement with the other powers. But it was made manifest that the creation of a new temporary seat on the Council could not, from the German side, under any circumstances be accepted, no matter what the attitude of Sweden on the question. From then on the discussion centered around possible solutions.

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[42] J. S. Bassett, *The League of Nations*, 314.

[43] *American-Scandinavian Review*, loc. cit.

From the Swedish side came the question, how Germany would regard a new election to the Council, occasioned, not by an increase in the number of members, but by the voluntary withdrawal of a member. In regard to the many speculations as to the origin of this idea, Mr. Undén states that it had been the subject of discussion within the Swedish delegation and on March 12 was mentioned by him to M. Vandervelde, the Foreign Minister of Belgium. The latter considered the idea and on the following day had inquired if the German Chancellor might consider as a solution the resignation of Belgium from the Council, and the putting of her vacant seat at the disposal of the Assembly. The answer was, however, negative.[44] In the meeting with the German delegates the Swedish representatives again suggested this idea in a more emphatic manner. They intimated that the Swedish Government might be willing, after a certain date, say July first, to give up its seat on the Council and place it in the hands of the Assembly in order that the admission of Germany might take place. This would mean that Sweden would leave the Council a half-year before its mandate was up. This solution was discussed from all angles and during the deliberations it was ascertained that Germany would accept such a solution providing that two members give up their seats on the Council. It was also thought that, were this solution approved, the Assembly might look in other directions for successors to the outgoing powers.

The withdrawal of two states at the same time from the Council seemed to the Swedish and German delegations to offer a solution to the problem. But it remained for the Swedish Government and some other state, to signify their willingness to accept such a solution providing that it would also prove acceptable to other interested parties. Incidentally, the government at Stockholm on the same day made inquiry of its delegation as to whether the question of several states voluntarily withdrawing from the Council was being considered at Geneva.

It was being rumored about Geneva from all sides that here at last was a possible way out of the entanglement. From the French viewpoint it must have seemed a rather meager portion, as that country had from the outset not only supported permanent seats for Brazil and Spain, but also for Poland. But M. Briand did not seem

[44] Statement by Undén himself in the Swedish Second Chamber as previously cited. See also *U.N.F.*, 1926, 17–19.

averse to the proposal. The Foreign Minister of Czechoslovakia declared himself ready to work toward such an arrangement, and stated that his country might follow Sweden's move and withdraw from the Council.[45] It would be necessary, because of an understanding among the members of the Little Entente, that the withdrawal of Czechoslovakia be sanctioned also by Jugoslavia and Roumania. Roumania voiced certain objections but they were overcome, and in so far the coast seemed clear.

These advances by Sweden were not made under any duress, nor as a result of intimidation on the part of other powers who were critical of Sweden's position. They arose out of the sincere regard for the welfare of the League of Nations which had motivated the Swedish representatives to the Council and the Assembly ever since Sweden had become a member. The idea of the withdrawal of Sweden was not mentioned in Council circles until after the suggestion had come following the consultations with the German delegation. The whole plan was received from every angle with regrets, although at the time it was considered to be the only way out.

The attitude of Brazil, as has been mentioned, was from the very outset a barrier against an amicable agreement, but it was hoped that more conciliatory instructions might be obtained by the Brazilian representative from his Government. These hopes proved vain, however, and new despatches from Rio de Janeiro were no more conciliatory than the former. When the Council sat on Tuesday, M. de Mello-Franco stated that his instructions were final and irrevocable.[46] On the following day, therefore, the Assembly voted to postpone the whole question.

On March 18, 1926, the Council of the League of Nations in accordance with a proposal introduced by Viscount Ishii and in line with a statement previously made before the Assembly, adopted the following resolution:[47]

> The Council:
>
> Considering that it is desirable that a thorough study should be made of the problems connected with the composition of the Council and the method of election of its Members.
>
> Decides to appoint a Committee for the purpose.

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[45] *Monthly Summary,* VI (1926), 49.

[46] *Ibid.,* 77–78.

[47] *L.N.O.J.,* 7th year, 534. The personnel of the Committee may be found in *Monthly Summary,* VI, 179.

This Committee shall give particular attention to the claims now put forward by, or on behalf of, any Members of the League and shall be authorized to invite the Governments of any Members of the League which so desire to lay before it any statement, whether in writing or through an official representative, in support of their case, or containing their views on any of the problems falling within the competence of the Committee. It shall bear in mind the various proposals on the subject which have been previously discussed by the Council or the Assembly, and in particular the resolution regarding "geographical and other considerations" repeatedly adopted by the latter body.

The Committee shall consist of representatives of the Members of the Council and of the following States: the Argentine Republic, China, Germany, Poland, and Switzerland. . . . .

The Committee shall meet on May 10, 1926, and shall prepare a report to the Council which shall be communicated to the Members of the League for their information as soon as possible. In case it is not able to make a unanimous report, it shall make such majority and minority reports as may be necessary in order to acquaint the Members of the League with the full results of its deliberations.

The committee met at the designated time in Geneva. M. Motta was elected chairman, and M. le Breton vice-chairman. On the suggestion of Viscount Cecil, its meetings were to be open so far as possible and secret only when absolutely necessary. Only one secret meeting was held, which was rather remarkable, as the negotiations involved vital matters ordinarily considered as affecting "national prestige." During the period immediately preceding the conference, the press abounded with rumors and speculations as to the outcome of its deliberations. In the British House of Lords, Lord Cecil delivered an important speech about this conference shortly before its Geneva meeting.[48] He expressed the opinion that the Government of Great Britain was no longer inclined to support an increase in the number of permanent seats on the Council, but was rather in favor of putting into effect a system of circulation among the non-permanent members. Among the press statements might be noted a proposal to solve the crisis by setting up, for the advantage of certain states, new seats in the Council which would *de facto* include permanent or quasi-permanent representation either by permitting unlimited reelection of the same state, or by making its mandate considerably longer than that provided for other seats.[49]

The negotiations of the Committee opened with a general discussion in which it was ascertained that the abolishment of all permanent

[48] *Parliamentary Debates, House of Lords*, February 24 and April 21, 1926.
[49] *U.N.F.*, 1926, 24.

seats was as yet a premature idea, although strong sympathies for such a move were evidenced from certain quarters, particularly from the Argentinian representative. As for the rest, the agenda was concerned mostly with the discussion of three problems:

1. The number of permanent members.
2. The working out of a circulation system, and in connection therewith, the question of a special position for certain states in regard to tenure and reelection.
3. The number of non-permanent members.

During the period preceding the meetings of the committee, demands for permanent seats had been made by Spain, Brazil, China, Poland, and Persia. Spain and Brazil, during the meeting, maintained their demands. China declared herself ready to withdraw her demand providing that no new seats be created, except for Germany. Poland did not retract, but stated that a satisfactory solution in regard to non-permanent seats and their rotation might be sufficient. Persia agreed with China. The different reasons advanced by the respective Governments for their demands for permanent representation were aired in the committee meetings, but did not get a great deal of support. In the March meetings Sweden had stood alone, save for the doubtful support of Belgium and Uruguay, but now essential accord against an increase in permanent membership was also expressed by Germany, Italy, Belgium, Argentine, Great Britain, and Uruguay. The attitude of Switzerland was too well known to necessitate M. Motta's giving up his chair to express it. The Swedish and Belgian speakers particularly emphasized that the correct interpretation of article 4 was that permanent places should not be awarded to any but the traditional Great Powers. In support of his idea the Swedish representative quoted certain expressions of Woodrow Wilson at the time of the drafting of the Covenant. M. Scialoja of Italy strongly seconded this view.[50]

Even at the first meeting of the committee it was evident that there was a strong tendency to increase the number of non-permanent seats to nine. A plan proposed by Lord Cecil at a later meeting also suggested such a provision.[51] This idea was opposed only by the Swedish and Italian delegates, and to a certain extent, by M. Motta. The main points brought out by Mr. Sjöborg stressed the opinions that by increasing the non-permanent seats to nine the Council would

[50] *U.N.F.*, 1926, 25–26. [51] *Ibid.*, 27.

become too large and unwieldy; an increase now would cause demands for further expansion at a later date; and the position of the Assembly would be weakened. Two of these views have been maintained and supported since the innovation was made, and revision today would decrease rather than increase the size of the Council.[52] During the course of the debate the Italian delegate consented first to an increase to eight members and later to nine, and M. Motta also intimated that he would not vote against making the number nine. Sweden again stood alone, and although entreated to retract his stand M. Sjöborg was as firm in this regard as his colleague, Undén, had been in the March meetings. He stated that he could not even consider such a proposal until full certainty was received that it would be unanimously adopted, which of course would solve the crisis.[53]

The South American states demanded that in distributing the seats provision be made for a system of circulation which would always give three of the non-permanent seats to that continent. This demand received general assent, but led the Chinese delegate to urge that each of the other continents, Europe and America excepted, be given two seats. If the total of nine members did not provide for this, the number should be increased to ten.[54]

Inasmuch as the Spanish and Brazilian representatives continued to maintain their demands for permanent seats, the whole problem assigned to the committee could not be solved at this meeting. Agreement was reached, therefore, to postpone the question of permanent seats to a later session and send to the Council a recommendation to interpret more liberally the system of rotation and to increase the number of non-permanent seats. Reservations were made by the two states demanding permanent seats in regard to the report as a whole, by China and Poland as to the majority necessary for reelection, and by Sweden as to any increase at all.[55] The report was adopted on May 17, and the date for a second meeting set for June 28.

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[52] On this whole question today see the article on the "Evolution of the League of Nations" by Rappard in the *Political Science Review*, November, 1927. On the question of admitting Germany, and the composition of the Council, see Georges Scelle, "La Réforme du Conseil de la S.D.N.," *Révue Générale de Droit International Public*, 1927, 769–838. This is really a shortened account of the recent book by the same author, *La Crise de la S.D.N. La réforme du Conseil et l'entrée de l'Allemagne à Genève.*

[53] *U.N.F.*, 1926, 30.

[54] *Ibid.*, 31.

[55] For the complete text of the report of the committee see the *L.N.O.J.*, 7th year, 990–991, annex 887.

At the fortieth ordinary session of the Council of the League of Nations in June, 1926, the report of the committee was considered, and on the proposal of Viscount Ishii it was sent out to the members of the League.[56] During the discussion the Italian delegate pointed out that he had assented to the increase in the number of non-permanent members to nine only on the consideration that the total membership of the Council would never exceed fourteen. The Spanish representative stated that he could never adhere to a classification which put Spain down as a second-rate power. Brazil threatened to withdraw, inasmuch as there did not seem to be any support for its demands. This was answered by regrets from a number of the states hoping that this action would not be final.

The second conference of the commission charged with the question of considering the reorganization of the Council took place on August 30, 1926, the date having been altered at the June meeting of the Council. Its agenda consisted mainly of a re-reading of the rules adopted in May as to rotation and the consideration of the question of the demand of certain states for permanent seats. Certain changes were made in the report of the previous session. After that, negotiations centered about the main theme of the meeting—the demand for permanent seats. Spain demanded a final answer to her application for inclusion in such status, and her continued desire was opposed by Swedish, Belgian, Argentinian, and Uruguaian delegates on the basis of article 4 of the Covenant. England reiterated her stand taken in May; the French, Italian, and Japanese representatives were opposed on political grounds. The Chinese member supported Spain on the condition that the aspirations of his country would also be satisfied. Czechoslovakia adhered to the majority and Germany did not participate in the discussion, holding that this was a question which should be decided by members of the League. Although the commission thus decided by a large majority to refuse the demands of Spain, it hoped that that country would continue her activities as a member of the League of Nations and also adhere to the proposal which the committee had worked out. The final report of the commission was adopted on September 1, 1926,[57] and was considered at the forty-first meeting of the Council in that month. On September 4, the Council adopted on the proposal of Viscount Ishii a resolution of the following content:[58]

[56] *Ibid.*, 880–882. [57] *Ibid.*, 1241; annex 904, 1357. [58] *Ibid.*, 1241.

The Council, taking note of the resolution proposed by the delegate of France and passed by the Special Assembly of March 1926 . . . .

And acting in pursuance of the wish expressed in that resolution:

1. Approves the report of the Committee on the Composition of the Council;

2. In consequence and in virtue of the powers which it derives from Article IV of the Covenant, decides upon:

a. The appointment of Germany as a permanent Member of the Council upon her entry into the League of Nations;

b. The increase in the number of non-permanent seats to nine;

3. Recommends to the Assembly the approval of these decisions;

4. Commends to the favourable consideration of the Assembly the proposals made by the Committee as regards the method of election and tenure of non-permanent seats.

At the time of the adoption of the resolution the Swedish representative to the Council, Mr. Undén, stated:[59]

The Swedish Government considers, and I know that a large number of other Members of the League are of the same opinion, that the proposed increase of the non-permanent Members will entail serious disadvantages in more ways than one.

Nevertheless, in order to find an issue from the present difficulties, my Government is prepared to make the sacrifices which, from its point of view, are involved by the adoption of the scheme.

Referring to the declarations made in the Committee by the representative of Sweden, I consider it my duty to renew them before the Council. I firmly hope that the contemplated increase will enable the crisis through which the League of Nations is passing to be settled.

At a secret meeting of the members of the Council just before the above resolution was adopted it had been hoped that the question of giving Germany a permanent seat and the creation of three non-permanent seats, might be simultaneously considered by the Assembly, inasmuch as these two questions had so long been considered together that they could not be differentiated. The Swedish representative opposed this view, and pointed out that the Council did not have the power to tell the Assembly in what way it should consider questions regarding the organization of the Council.

At the Seventh Ordinary Assembly, September 6–26, the whole matter was finally decided upon. The question as to how the problems should be considered was referred, on September 6, to the General Committee of the Assembly, upon which Sweden was not represented at the time. This committee after considerable discussion, decided to handle the two questions together, in spite of opposition voiced from a number of quarters, including Sweden.[60]

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[59] *L.N.O.J.*, 7th year, 990–1991, annex 887; *U.N.F.*, 1926, 41.

[60] *U.N.F.*, 1926, 42.

At the meeting of the Assembly on September 8, M. Motta, as rapporteur of the General Committee, proposed that as the question of admitting Germany into the League of Nations was "unfinished business" from the March Assembly, it should be considered immediately. He proposed, furthermore, that the Assembly should, without referring it to a committee, decide as one question the admission of Germany and the creation of three new non-permanent seats. In support of his proposal, he held that, from a political aspect, it was impossible to separate the two questions.[61] M. Loudon, of Holland, opposed the uniting of the matters under discussion, pointing out that in 1922 his country alone opposed the increase of the Council, and that his Government was not at this time in favor of a further extension of membership in that body. Dr. Nansen, of Norway, declared that he could not understand why Germany's permanent seat, in regard to which there had for a long time been agreement, should now be made conditional upon the setting up of new non-permanent seats. The increase in 1922 had been preceded by due consideration in the committees of the Assembly and now a more wide-reaching increase was to be effected without giving the Assembly the opportunity to consider the matter at all. Only fifteen states had participated in the committee of the Council. The remaining members of the League had at this session their first and last chance to discuss the question. As a precedent, the proposal could become a danger not to be underestimated to the freedom of action of the Assembly. The Swedish Minister for Foreign Affairs, Löfgren, agreed with the preceding speakers, and failed to see where there was any connection between the two questions that they should be lumped together. Germany's admission and her right to a permanent seat were matters which had for a long time been before the members of the League, but the question of increasing the Council had at no time come before the Assembly. Sweden had had the opportunity to express her views on the matter in the Council and on the committee charged with its consideration, and if she now adhered to the plan, it would only be to save the League in the most severe crisis in its short history. But all the states which had not had such an opportunity should not be robbed of their right to express their opinions and to do so in accordance with the established rules of procedure in the Assembly. He hoped that this would not be taken as a precedent for future action.[62]

[61] *L.N.O.J.*, 7th year, no. 44, 31–32. [62] *L.N.O.J., op. cit.*, 35.

The Assembly session was one of the most solemn ever witnessed by the members, a solemness mingled with nervousness. Never before had there been seen at Geneva so many outstanding political figures. Beside MM. Briand, Chamberlain, Stresemann, Benes, were seated nineteen chiefs of government and ministers of foreign affairs. Journalists and spectators had never before so numerously graced the Assembly halls with their presence. Public opinion appreciated that the League was at the very turning point of its existence, and that "un nouvel échec eut été irréparable."[63]

After the speeches cited above, the President declared the discussion closed, and proceeded on the following draft resolution:[64]

> Subject to the approval of the Council resolution mentioned in point 2 of the agenda of the present meeting, the Assembly approves the report of the First Committee of the special session of the Assembly on the request of the German Government for admission into the League of Nations.

In accordance with the conclusions of the report, the Assembly proceeded to vote on the admission of Germany to the League of Nations. The vote was taken by roll call, all the delegations answering "yes," and Germany was unanimously elected to the League.

A vote was then taken on the draft resolution proposed by M. Motta on behalf of the General Committee of the Assembly. The result was again unanimous, Germany was included among the members of the Council of the League, and the number of members of the League to be elected by the Assembly for representation on that body was raised to nine. The method of election was referred to the First Committee on constitutional and legal questions. Before it was sent to a subcommittee, the Swedish representative, Mr. Löfgren, opened the discussion at the committee's second meeting on September 10, stressing the attitude of the Swedish Government that the juridical equality of states is one of the principles on which the whole system of the League is built. The possibility of reelection to the Council was in no way to be considered as a privilege to be conferred on this or that state. It is, on the contrary, a faculty which the Assembly in its sovereignty may exercise when it deems the continued services of a state on the Council to be needed.

> Public opinion in Sweden was especially anxious that, if now at last a plan for the settlement of this difficult problem shall be arrived at, it should be

[63] Georges Scelle, *op. cit.*, 796. [64] *L.N.O.J.*, *op. cit.*, 36.

one, that, based on the full liberty of the Assembly and the equality of its members, would not only remove present difficulties, but give constitutional peace and security for the future.[65]

The report of the First Committee was adopted by the Assembly on September 15, 1926, and the principle of the non-consecutive eligibility of at least six of the nine non-permanent members was adopted. At the time of this final alteration of the structure of the Council, Mr. Löfgren summarized the stand which Sweden had taken on the whole dispute.[66]

When some days ago at a moment of historical importance, the first delegate of France, ... welcomed the great State which then entered the League, he emphasized the necessity of counteracting within this world-wide institution all the dangers which national vanity and national prestige may let loose. In moving words he reminded the leaders of all the States of their duty earnestly to try to moderate the egotism of their different peoples and to induce them to sacrifice their selfish aspirations in the interest of general peace. That a ready response may be made to this mighty appeal is a desire cherished by millions of men and women in all countries.

The optimism which characterized the speech of the eminent statesman, as well as the report of our honourable Rapporteur, does not, I fear generally prevail. It may, perhaps, not be out of the way to recall on this occasion how, in the minds of many, the very long and extremely difficult crisis which will today, I hope, be settled, brought into daylight how far the different peoples are from the time when national egotism and policy will cease to be deciding factors in international affairs.

. . . . I cannot abstain from emphasizing that the solution of the crisis which is now at hand—a solution which is probably the only one obtainable—is, in my opinion, and in the opinion of the country I have the honor to represent, so far from being an ideal one that it may on the contrary, imply grave dangers and difficulties for the League in the future.

Circumstances have compelled Sweden to take a more active part than many other Members of the League in the preparation of this solution; but it would be a mistake to think that we look with pride and entire satisfaction on the result achieved. Without pretending in any way that our standpoint has been the only right one, the Swedish representatives on the League have from time to time tried to prevent decisions which, in their soundest judgment, seemed to be rash and unwise.

With regard to one vital point, namely, the organization of the Council, their views have prevailed. They have, however, in vain opposed the increase in the number of non-permanent Members of the Council and certain provisions which are now before us. In giving up one or other point of view which we have held without any selfish motives, only believing that we were acting in the interests of the League, we did so in the belief that the long-drawn-out struggle being waged within the walls of the League must be brought to an end, lest the League should suffer incalculable harm.

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[65] *L.N.O.J.*, 7th year, no. 45, 10.

[66] *Ibid.*, no. 44, 70; *U.N.F.*, 1926, 48–49.

In this spirit we accepted some days ago the decision to increase the number of Members of the Council, a decision which was inevitable. . . . .

Nothing would give us greater satisfaction, in watching the work of the Council as an ordinary Member of the Assembly, than to find that our apprehensions have been unfounded, and that the application of the scheme will bring about not only a temporary peace but also a definite and lasting solution with regard to the organization of the Council. May this constitutional peace, for which we all hope, assure us a new era of good will for all the Members of the League.

We have thus seen something of the part which Sweden has played as a member of the Council. We have noted the attitude taken by that country in regard to that body while occupying a seat on it and as a mere member of the Assembly. The fact that her views were not always heeded was due not so much to any inherent defect in the same, but rather to the pressure of political circumstances. The change in the structure of the Council, so heartily opposed by Sweden, was not even by its authors deemed essentially excellent, but came more from the desire to placate candidates. Even as a preventive against a particular ailment, these changes have since been regarded as a rather doubtful prophylactic. Sweden has at all times thought that the League and the Council should enjoy the greatest confidence, and in order to do this, it must be vested with real authority and real responsibility. It is doubtful whether a junta in which there are fourteen most unequal members can assume that position. Unanimity in such a body can come only through the submission of the lesser powers to the policies which the major powers desire to carry on. Such procedure is not conducive to the open diplomatic principles on which the League is founded, nor is it in the best interests of the Assembly, which, after all, is the only link which the majority of the countries of the world have with the League. To be sure, the system finally adopted for the election of the non-permanent members of the Council may to some extent compensate the loss of prestige of the legislative organ of the League of Nations. Perhaps the apprehensions of the delegates of Sweden were unfounded. The events since the crisis outlined have not given indications, however, that the "new era of good will" has as yet arrived.[67]

[67] See the criticism of Löfgren in the Eighth Assembly, *infra*, 368.

CHAPTER VI

A GENERAL ESTIMATE

As far as the Swedish Government and the people of Sweden are concerned, I may say that they have firm faith in the high principles upon which the League of Nations is founded, and confidently hope that these principles will gradually carry the day in the struggle against egotism and violence. Our country feels with regret that the League of Nations has not yet in a sufficient measure realized the hopes which it has legitimately awakened, but it feels, nevertheless, a strong desire to contribute to its improvement and its progress to the ideal, which all peoples should make every effort to achieve.

—Hjalmar Branting, in the Second Assembly, September 8, 1921.

In my discussion so far I have endeavored to draw attention to the part Sweden has played in the international world of the last few years. I have attempted to show that country in a light in which many perhaps have not seen it. In so doing there has been an effort to trace some of the aspects of the recent foreign policy of Sweden. I have stressed the incidents in that policy which have made for better understanding among the nations of the world, and have described the work which has been undertaken by that country toward the setting up of machinery more stable than now exists whereby peace may be secured. We have seen something of the activities of Sweden in this regard, both in cooperation with her Scandinavian sisters and with the League of Nations. The policy of Sweden has been consistent—a constant looking forward toward a more permanent organization of peaceful procedure as a means of settlement for international disputes, toward creating out of "international anarchy" through development of the "international mind," a safer and saner world. It may be that this has been a rather large assignment; perhaps it has meant reading into a thing more than is actually present. Sweden is a small country with few people and many times her voice has been drowned in the chorus on the international stage. But sometimes the representatives of the Swedish people at Stockholm and Geneva have succeeded in making themselves heard and their words have rung out loud and clear, like the sweet song of the most lyric of all birds, the Swedish

nightingale. And like the song of that bird, what they have said has not been easily forgotten; its impression has been lasting.

In looking back upon what I have outlined, we see that Sweden has played a rather considerable part in the international happenings of the last few years. At times that part has been a somewhat ungrateful one. Often she has stood almost alone for the policies which she thought sound. Being a small nation she has perhaps not been able to accomplish nearly so much as might a large state standing for similar ideas. However, her example has meant even more than the tangible contributions. Her spirit of independence dominated by an attitude of absolute impartiality and disinteredness has pointed a way which, if others will follow it, may do much toward establishing those high principles in which she has expressed an almost unbounded faith.

During the world war the countries of the north stood as a bulwark in the troubled waters which lapped their shores. Maintaining a difficult neutrality, difficult because of divergent internal sympathies and insistent external beckonings and threatenings, Sweden and her neighbors cannot but be admired for the firmness of their position. Not only did they refrain from being embroiled in the cataclysm, but at the same time they strove ardently for the elaboration of a plan which would prevent a recurrence of such disasters. When at the conclusion of the struggle a hurried peace provided for the establishment of what was to be a new world order, they were hardly even consulted, for they were not a part of the rest of the scheme. Yet, undaunted by this failure to be heard, they continued their demands. Realizing that a hearing might best be obtained in conference with that select group which dictated the terms of the treaties of peace, they joined the new organization firmly pledged to strive for the fullest and most complete application of the high ideals which were supposed to underlie that institution. From that point on, the northern countries acted for themselves. Of them Sweden was the largest, the most populous, and perhaps the most active.

The representatives of Sweden went to Geneva with a firm determination to work to bring about the results we have examined. They proposed amendments to the Covenant; they argued for disarmament and security; they worked hard for a more definite and stable organization of peaceful procedure as the means of settling international divergences. Sweden became a party to the first dispute submitted

to the League for settlement. The results of the decision were unfavorable to her but the good grace in which she accepted her defeat furnished the outstanding precedent established by this case.

The Government at Stockholm sent able men to Geneva, men well qualified to hold their own, men who have made an impression in the halls of the Assembly and in the meetings of the Council. In the sessions of the different organs of the League these men have presented the views of the north. They have stood as representative of the small powers and as opposed to the dominating influence of the larger states. As one of the first of the former neutrals to sit on the Council, as a representative of Scandinavia on that body, Sweden held a stronger hand than might otherwise have been the case. She played it well.

Sweden has not only been an example of what a larger power might be and do under similar circumstances with similar views, but she has also acted as a steadying hand in the workings and discussions of the League of Nations. The conservative temperament of her statesmen has caused them to advance rather slowely when at times speed might have been detrimental to both the prestige and the actual strength of that institution. From the critical speech of Branting in the First Assembly to the pointed remarks of Löfgren in the 1927 Assembly this has been evident. Not only in respect to the general policy of the League has this been true but also on the more specific problems confronting that body; on the question of admitting new states, for instance: in the First Assembly Estonia, Latvia, and Lithuania were proposed for membership in the League of Nations. The Swedish delegation was much in sympathy with the aspirations of the former Baltic provinces but did not feel that as yet they were sufficiently strong or sufficiently organized to warrant inclusion in the League. Later, after their recognition by the Great Powers, Sweden was heartily in favor of their admission, realizing their need of assistance by the League for their economic development.[1]

On the question of mandates, in which one would not ordinarily think that Sweden should have any particular interest, the stand of that country calls for observance. In the First Assembly, the Swedish delegate spoke for the exercise of an effective control by the League over the fulfillment of article 22 of the Covenant. The terms of

[1] L.N.O.J., *Records of the Second Assembly, Minutes of the Committees*, II.

mandates should be drawn up in such form as to assert with perfect clarity that the mandatories were to act on behalf of the League, and that the mandate could be withdrawn if circumstances made such action necessary. A wide interpretation of the powers of the League in such matters was in consonance with the high aims defined by Mr. Wilson and the other promoters of the Covenant. Mr. Löfgren stated:[2]

> People have asked me why we small nations of the North seem to be so interested in this article 22. It may be because of its guaranteeing our freedom of trade with the colonies. . . . . We think freedom of trade to be a good thing and monopolies a bad thing from our commercial point of view. But I know that I have a right to say, and I am proud to state, that this is not for us the essential thing. No! To establish a world-wide culture, to preserve a lasting peace, such are the reasons for our peoples' support and interest in article 22.
>
> We want to see the national and sectarian rivulets swallowed in the mighty stream of a universal movement of culture, of civilization, directed by article 22 independent of race and religion, and liberated from the evils of civilization—militarism and alcoholism.

Following the report on the Council and Secretariat at the sixth plenary session of the Second Assembly, Hjalmar Branting voiced the feeling of Sweden in regard to the work of the League in general. He regretted the fact that many of the decisions made had been prepared, and even agreed upon, not at the actual meetings of the League, but elsewhere. Members sending delegates to sit upon the Council for the consideration of special questions, as provided for in article 4, had not been permitted to participate in the discussions. The resolutions aiming at greater publicity had not achieved results.

> Much indeed, and perhaps all that is essential might be achieved by a more rigorous application, coupled with a broader and more positive interpretation of the provisions of the Covenant. Only their execution in a spirit corresponding to the noble principles which inspired them can invest them with the requisite strength and vitality.[3]

Although Sweden was not satisfied with the League at this early stage, she realized that the attainment of any ideal was a gradual and evolutionary process. In the same Assembly Mr. Trygger, the leader of the Conservative party in Sweden which had originally so opposed the adherence of that country to the League stated that, inasmuch as the League of Nations relies for its power of action on the sovereignty

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[2] *L.N.O.J., Records of the First Assembly, Plenary Sessions,* 716–717; *Committee Meetings, II,* 279.

[3] *Ibid.,* 2d year, *Plenary Sessions,* 58–62.

of its member states, it is obliged to advance slowly step by step.[4] In the Third Assembly Trygger also spoke as follows:[5]

> I think that the League of Nations acts wisely in handling only those questions which cannot be satisfactorily and completely dealt with by the sovereign states themselves. . . . . The League needs to take care not to encumber itself with too many minor questions to the exclusion of grave matters. . . . . I think that it is of the utmost desirability that the League of Nations now proclaim, with all its force, that its existence is not of great value if mutual understanding and international solidarity cannot be made to reign among nations, and if we are still to regard ourselves as divided into the victors, the vanquished and the neutrals, instead of regarding ourselves as more or less unhappy men and women, who have to unite our forces to save civilization and the prosperity of humanity. It is only by achieving universality that the League can become powerful and effective.

Here we see Sweden jealously guarding her own rights of action but at the same time desiring the League to make itself more of a power through the consideration of questions affecting major interests. From the very outset Sweden has also maintaind that universality was a necessary condition for a complete and harmonious functioning of the League of Nations.

The critical attitude of Sweden was continued in the fourth year of the work of the League. At the 1923 Assembly after the report on the work of the Council and the Secretariat, Baron Marks von Würtemberg remarked:[6]

> Most of those who have spoken have expressed somewhat optimistic views as to the League and its future. . . . . It is a good thing to be an optimist, but situations arise when it is more useful and essential to speak the naked truth without embellishment.
>
> The League has not yet gained that strength which the friends of a new international order were justified in hoping for at the time of its creation.

In my earlier discussion I noted the world-wide attention attracted by the League of Nations in 1926. The question of admitting Germany and changing the composition of the Council drew attention in the press of every country. In contrast, the achievements of the following year seemed rather meager to some of the representatives at Geneva. In this regard the Swedish Minister for Foreign Affairs, Löfgren, continuing the rather pessimistic strain noted above,[7] commented:

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[4] *Ibid.*, 877–878.

[5] *Ibid.*, 3d year, *Plenary Sessions*, 78–89.

[6] *Ibid.*, 4th year, *Plenary Sessions*, 67.

[7] *U.N.F.*, 1927, 15–16; *L.N.O.J.*, 8th year, *Plenary Sessions*, September 7, 1927.

The report of the Secretary-General contained much on financial, economic and humanitarian questions, but hardly anything on political activities. The silence on this point could hardly permit the conclusion that the world after long years of warfare and conflict had at last reached calm and peace. On the contrary, the last year had seen serious disputes and misunderstandings. The silence of the report shows that the League had not seen fit to intervene. On account of the nature of the same perhaps the Council has acted wisely in refraining. In fact intervention has not expressly been asked for by any member. The apparent passivity has occasioned a feeling of disappointment and impatience, accentuated by the previous activity of 1925 and 1926. The Locarno Pact and the admission of Germany nourished hope of increased strength and prestige. The rapid action in the Graeco-Bulgarian dispute gave reason to believe likewise. This hope, this confidence in the League marks a good-will which it cannot afford to waste. . . . .

The League should exercise more of a direct influence on the political situations. Public opinion wished a program, a fundamental principle, of completing the duty to intervene under article 11.

The League has so interested itself in theoretical discussions of article 16 in regard to sanctions against war that article 11, the purpose of which is to prevent war, has been put into the background. Would it not be reasonable to put into use in conjunction with the arbitration procedure of the Council the conciliation procedure which has been recognized and approved by so many states in separate agreements?

During the years of membership in the League Sweden and the other northern countries have worked for an elaboration of article 11 of the Covenant. They have endeavored to strengthen the means and methods for preventing war both by amendments and interpretations of the organic statute of the League and by separate regional agreements to insure peace. Sweden and her neighbors are not yet satisfied with the work of the League of Nations toward preventing war. They hold that the questions of sanctions, economic or otherwise, might well be allowed to rest, and that the more fundamental question of preventing war rather than punishing an aggressor is the vital one to consider.

In the speech quoted above, the Swedish representative also made a plea for open diplomacy. According to reports and interviews, heated political questions have been discussed at meetings when only certain members of the Council have been present. Events during the past year have not been of such a character as to allay the fears expressed by the Swedish delegates to the 1926 Assembly that an increase in the membership of the Council would increase the risk of withdrawal of important political questions to an inner circle of certain powers. If such a tendency should become more marked, the

League and the Council risk the danger of a loss of leadership in world politics and will be robbed of the possibility of completing their highest duty, the maintenance of peace.[8]

With these remarks I end my discussion. What I have said has, I hope, given at least a small indication of some of the trends in recent Swedish foreign policy. We have seen how in the last decade that policy has been shaped by a desire to promote a stable organization of peace. At first Sweden was intent upon elaborating a plan of her own, or at least in collaboration with the other Scandinavian powers. Later she joined the League of Nations and since then she has been striving in and through that organization to bring about the condition she deems desirable. Through an amelioration of the Covenant of the League, through extended efforts among her neighbors, through a sacrifice of some of her main theses, Sweden has been able to contribute toward that end. By stressing the means already provided for, by taking a lead in the promotion of peaceful settlement of disputes through arbitration and conciliation agreements, by working for a fuller codification of the tenets of international practice, and by a fearless and unbiased independence of action, Sweden has taken a stand which has called forth admiration in many parts of the world.

[8] *U.N.F.*, 1927, 16.

APPENDIX I

DELEGATES OF SWEDEN TO THE LEAGUE OF NATIONS

First Assembly, November 15–December 18, 1920

K. Hjalmar Branting, Former Premier.
E. Marks von Würtemberg, Doctor of Laws, Former Judge of the Supreme Court.
Ernst Trygger, Doctor of Laws, Senator, Former Judge of the Supreme Court.

Alternates

J. Eliel Löfgren, Former Minister.
Baron Adelswärd, Senator.
Mme. Anna Bugge-Wicksell, B.C.L.

Experts and Secretaries

Mr. Eysert.
Mr. F. Henricksson, Councilor of the Legation.
Baron C. F. H. Hamilton, First Secretary of the Legation.
Mr. T. H. W. Wistrand, Secretary to the Foreign Office.

Second Assembly, September 5–October 5, 1921

K. Hjalmar Branting, Former Premier, Member of Lower House.
Ernst Trygger, Former Judge of the Supreme Court.
J. Eliel Löfgren, Former Minister.

Alternates

Baron F. Ramel, Minister to Christiania.
Anna Bugge-Wicksell, B.C.L.
Ö. Undén, Professor at Uppsala University.

Secretaries

Baron C. F. H. Hamilton, First Secretary of Legation.
Mr. E. C. Boheman, Secretary of Legation.

Third Assembly, September 4–30, 1922

K. Hjalmar Branting, Premier, Minister for Foreign Affairs.
Ernst Trygger, Judge of Supreme Court, Member of First House.
J. Eliel Löfgren, Member of First House.

Alternates

Baron F. Ramel, Minister to Christiania.
Anna Bugge-Wicksell, Secretary of Royal Swedish Committee of the League of Nations.
Ö. Undén, Professor at Uppsala University.

Secretaries

O. Johansson, E. C. Boheman.

FOURTH ASSEMBLY, SEPTEMBER 3–29, 1923

K. Hjalmar Branting, Former Premier.
Baron Marks von Würtemberg, Former Minister, President of Svea Court of Appeal, Stockholm.
J. Eliel Löfgren, Former Minister of Justice.

Alternates

Baron F. Ramel, Minister to Berlin.
Anna Bugge-Wicksell, B.C.L.
Ö. Undén, Former Minister of Justice.

Secretaries and Attachés

O. Johansson, E. C. Boheman, Baron L. A. V. Rappe.

Representative to the Council

K. Hjalmar Branting.
Ö. Undén, alternate, expert, and advisor.

FIFTH ASSEMBLY, SEPTEMBER 1–OCTOBER 2, 1924

Baron E. T. Marks von Würtemberg, Minister for Foreign Affairs.
K. Hjalmar Branting, Former Premier, Former Minister for Foreign Affairs.
J. Eliel Löfgren, Former Minister of Justice.

Alternates

Baron F. Ramel, Minister to Berlin.
Anna Bugge-Wicksell, Master of Law.
Ö. Undén, Professor at Uppsala University.

Secretaries and Attachés

O. Johansson, E. C. Boheman, B. H. de Ribbing.

Representative to the Council

K. Hjalmar Branting.
Ö. Undén, alternate at the Geneva meeting of August and the Rome meetings, December 8–10.
G. von Dardel, alternate at the Brussels meeting.
Baron C. A. Beck-Friis, alternate at the last Rome meeting.

SIXTH ASSEMBLY, SEPTEMBER 7–26, 1925

Dr. Ö. Undén, Minister for Foreign Affairs.
J. Eliel Löfgren, Barrister, Member of Lower House.
Axel F. Vennersten, Senator, Former Minister of Finance.

Alternates

Dr. T. Höjer, Minister to Oslo.
A. E. M. Sjöborg, Secretary-General at Ministry for Foreign Affairs.
J. A. Engberg, Member of Lower House.
Anna Bugge-Wicksell, Master of Law.

Experts, Attachés, and Press

E. C. Boheman, Dr. E. R. Sjöstrand, P. E. F. Arnander, C. O. Johansson.

Representative to the Council

Ö. Undén.
A. E. M. Sjöborg, alternate.
Dr. T. Höjer, expert.

Special Assembly, March 8–17, 1926

Dr. Ö. Undén, Minister for Foreign Affairs.
J. Eliel Löfgren, Barrister.
A. E. M. Sjöborg, Secretary-General at Ministry for Foreign Affairs.

Alternate and Secretary
E. Hennings, E. C. Boheman.

Seventh Assembly, September 6–25, 1926

J. Eliel Löfgren, Minister for Foreign Affairs.
Baron Marks von Würtemberg, Former Minister for Foreign Affairs.
Dr. J. L. Widell, Senator.

Alternates
Baron A. T. Adelswärd, Former Minister of Finance.
Dr. T. Höjer, Minister to Oslo.
J. A. Engberg, Lower House.
Anna Bugge-Wicksell, Master of Law.

Expert, Secretary, and Press
E. C. Boheman, Baron A. G. Beck-Friis, C. O. Johansson.

Representative to Council
E. Hennings, at the Berne session in February.
Ö. Undén, at the June and September sessions.
A. E. M. Sjöborg, at the June session.

Eighth Assembly, September 5–27, 1927

J. Eliel Löfgren, Minister for Foreign Affairs.
R. J. Sandler, Chairman of Lower House, Former Minister.
A. F. Vennersten, Former Judge of State Court.

Alternates
Dr. T. Höjer, Minister to Oslo.
E. Hennings, Minister to Berne.

Secretaries
Anna Bugge-Wicksell, E. C. Boheman, C. O. Johansson, Baron H. G. Beck-Friis.

Ninth Assembly, September 3–26, 1928

J. Eliel Löfgren, Minister for Foreign Affairs.
Dr. B. Ö. Undén, former Minister for Foreign Affairs.
J. L. Widell, Speaker of the Lower House.

Alternates
Dr. T. Höjer, Minister to Oslo.
K. I. Westman, Minister to Berne.

Experts and Secretaries
Miss Kerstin Hesselgren, J. C. Lagerberg, C. O. Johansson, and Baron H. G. Beck-Friis.

APPENDIX II

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